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ABSTRACT

This book contains a compilation of the local legislative acts that create and provide for the operation of the 52 city administrative school districts in North Carolina. These local laws determine the size, method of member selection, and special powers of boards of education in each of these cities. Statistical data on method of school board member selection, the filling of vacancies on boards, the length of board members' terms, and the number of members for each city are included, along with a review and comparison of the major characteristics of North Carolina city school boards. This review also briefly examines the relationship between state and local law concerning school district governance. The volume is intended as a reference for school administrators and other parties interested in acts governing local school administrative units. (Author/DS)

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Local Acts Creating and Providing for North Carolina City School Administrative Units

Robert E. Phay and
Robert M. Ward

U S DEPARTMENT OF HEALTH,
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LOCAL ACTS CREATING AND PROVIDING FOR NORTH CAROLINA CITY SCHOOL ADMINISTRATIVE UNITS

Robert E. Phay and Robert M. Ward

INSTITUTE OF GOVERNMENT
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FOREWORD

This volume is a compilation of local acts that create and provide for the operation of the fifty-two city administrative school districts in North Carolina. The compilation grew out of a paper written by Robert Ward for my school law seminar at The University of North Carolina Law School in 1969. Mr. Ward collected most of the local acts affecting these fifty-two city administrative units. They are reproduced in Appendix B. Jasper Cummings, a 1971 graduate of the Yale Law School, and Irwin Cofield and Don Harper, 1971 graduates of the North Carolina Law School, also helped in preparing editor's notes to show where earlier acts have been amended or repealed by later acts, eliminating unnecessary acts, and checking the acts with superintendents and school board attorneys. Many thanks to all of them.

Robert E. Phay
Associate Professor of
Public Law and Government

Chapel Hill
January 1972

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INTRODUCTION

City boards of education are creatures of local legislative acts. When a question arises about the size, method of selection, or special power of a city administrative unit, one must review the the unit's special acts to see what provision they make for the subject, if any.

Checking the local acts is seldom easy. The search for them and their amendments requires laboriously checking the General Assembly's session laws, session by session. School administrators

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The 1969 General Assembly authorized the creation of three new city school administrative units. All three of these new units, Scotland Neck (Ch. 31, N.C. Sess. Laws of 1969), Warrenton (Ch. 578, N.C. Sess. Laws of 1969), and Littleton-Lake Gaston (Ch. 628, N.C. Sess. Laws of 1969), received voter approval to operate and to levy school taxes, but they were declared to be unconstitutional by the federal district court. On appeal to the Fourth Circuit Court of Appeals, the decision as to Warrenton and Littleton-Lake Gaston was affirmed, but the decision on the Scotland Neck unit was reversed. In *U.S. v. Scotland Neck City Bd. of Educ.*, 442 F.2d 584 (4th Cir. 1971), the court, en banc, held Chapter 31 to be constitutional on the basis that it did not continue or establish a dual system of education. The Fourth Circuit opinion has been appealed to the United States Supreme Court, but an opinion is still forthcoming. At the present time the Halifax County schools operate schools for the town of Scotland Neck.

Because of the uncertain status of the Scotland Neck School Administrative Unit and the fact that it is not presently operating as a city school unit, it has not been included in the following tables and computations. The act creating it, however, is printed in Appendix B, and the procedures for the selection of its board of education are set out in Appendix A.

do not have the session laws in their offices and even their school board attorneys often do not have the old volumes where many of the local acts are found. This publication provides the superintendent, the school board chairman, and the school attorney the major local acts governing the operation of their city administrative school unit in a single volume. It also affords a quick reference to the acts of the other city school units, showing how they dealt with a particular problem and the types of powers or procedures for school operation that they possess.

This book also contains a statistical comparison of the following characteristics of city school boards: size, method of selection, length of term, staggering of terms, and method of filling vacancies. These characteristics are each discussed with accompanying charts and are catalogued in Appendix A. This type of information has never been available in accurate form because earlier comparisons were based on questionnaires, many of which contained incomplete and inaccurate responses.[1] It is worth noting that in our check with superintendents and school board attorneys, several did not know of one or more of the local acts governing their school units. The need for this book was clear at that point; it should help fill gaps in knowledge.

Only the basic acts—like those establishing the city school unit, providing for the selection of board members, and granting special powers—are included in this collection. The volume would have been too large if all local acts had been included. Thus such special acts as those authorizing bond referendums or conveyance of property usually were omitted. These acts normally relate to a specific act that, once completed, exhausts the authority granted. Other acts, like elections on consolidation or special school supplement taxes that failed to receive sufficient voter approval and are now inoperative, were also not included. What have been included in this compilation are the basic authorizations for the school unit, amendments to these authorizations, and subsequent grants of power that are basic to the unit's operation.

STATUS OF PRE-1933 SPECIAL ACTS

Before analyzing the various characteristics of city administrative units and their school boards, the validity of special acts passed before 1933 needs to be discussed. This question exists because all special charter school districts (city school units) were abolished in 1933 and reorganized as city administrative units. It is important because most of the city units operate on the basis of pre-1933 acts. Forty-two of the fifty-two city administrative units use pre-1933 acts as legal authority for some part of their operation.

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[1] The best study on North Carolina school boards is by R. MORGAN, SCHOOL BOARDS IN NORTH CAROLINA (1956). Morgan notes that his study was limited by the use of a questionnaire and the "accuracy of the information supplied by the superintendents."

In the early 1930s, many local school systems were defaulting on teacher salaries and were unable to continue school operations.[2] The response of the State of North Carolina to that fact was to assume financial responsibility for an eight-month school term. Substantial state support began with the School Machinery Act of 1931, but full financial support from the state[3] for general operating costs waited until the School Machinery Act of 1933. That act first abolished all school districts, including ninety-two special charter districts that operated as city school systems,[4] providing:

> All school districts, special tax, special charter or otherwise, as now constituted for school administration or for tax levying purposes, are hereby declared non-existent and it shall be unlawful for any taxes to be levied in said districts for school operating purposes except as provided in this act.[5]

It also created the State School Commission and gave it supervisory authority over the state school system. The act further provided that each county was to be classified as an administrative unit for the operation of schools and that the State School Commission, with the advice of the county boards of education, was to redistrict each county as it deemed necessary for the economical administration and operation of the state school system. It then authorized the creation of city administrative units when certain conditions existed:

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[2] Biennial Report of the Superintendent of Public Instruction (1932-1934), pp. 11-14.

[3] For a discussion of the centralization of schools in North Carolina, see THE BROOKINGS INSTITUTION, STATE CENTRALIZATION IN NORTH CAROLINA (Betters ed., 1932).

[4] The city school administrative unit as we know it today did not exist before 1933. Pre-1933 school law defined a city school system as one "maintained for one hundred and eighty days and employing not less than thirty teachers and one whole-time superintendent." N.C. Pub. Laws of 1923, ch. 136, § 4. All city school systems were operated under special acts and were known as special charter districts, which were defined as follows:

> The special charter district, that is, a district chartered by the General Assembly, the control of which is placed in the hands of a board of trustees or school commissioners whose duties are defined by the General Assembly or a territorial unit whose boundary lines may be coterminous with the boundary lines of an incorporated town or city, but without a special charter, the city charter having authorized the city to maintain a system of schools, and the government of the schools having been delegated to a special board. *Id.* at § 3.

[5] N.C. Pub. Laws 1933, ch. 562, § 4.

> Any newly constituted district having a school population of 1,000 or more for the school year 1932-1933 in which a special charter school is now operated may with the approval of the State School Commission be classified as a city administrative unit and shall be dealt with by the State school authorities in all matters of school administration in the same way and manner as are county administrative units: *Provided*, that in all cases where any existing special charter district is included in a district as determined by the State School Commission the trustees of the special charter district and their duly elected successors shall be retained as the governing body of such district and the title to all the property of the special charter district shall remain with such trustees.[6]

In accordance with the provisions of the act, the State School Commission approved sixty-seven special charter districts as city administrative units.[7] Upon receiving approval to operate as a city school administrative unit, all but one[8] of the new administrative units continued to operate on the basis and under the authority of their earlier-enacted local acts. Apparently no one, bond attorneys included, questioned the validity of the pre-1933 acts for those districts approved to operate as city administrative units.

One conclusion that can be drawn from the 1933 Machinery Act is that in abolishing the special charter districts, it also repealed the local acts creating and pertaining to them.[9] That this result was not intended seems clear. Both state and local school officials continued to operate on the basis of the pre-1933 acts in the sixty-seven city administrative units and the General Assembly expressed no objection: it could have repealed the acts in the following session and made the city units conform to the general law provisions of Chapter 115 if it had not intended for them to operate under their pre-1933 acts.[10] It seems, therefore, that the legislature in the 1933 School Machinery Act intended the city units to operate under their earlier acts. The 1933 act, in the portion quoted above, says that the trustees of special charter districts and their successors are to be retained as the governing body of newly approved districts (the draftsman should have used the term administrative unit) and are to keep title to district property. One can construe this narrowly and consider it as authorizing only the continuation of the system of selecting trustees as set forth in the applicable local acts. It is more logical, however, to consider that all of the local acts, including those authorizing levies, appointing a school treasurer, etc., still have legal effect as long as they do not specifically conflict with the 1933 act (the 1933 act is now codified in Chapter 115 of the General Statutes).

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[6] *Ibid.*

[7] See minutes of the State School Commission for 1933-34, on file in the North Carolina Department of Archives and History.

[8] The exception is Clinton. For some unexplained reason, the Clinton city schools stopped operating under their Private Act of 1903, chapter 457, which provided for a six-member board serving six-year, overlapping terms with successors appointed by the board itself. Since 1933, Clinton has had a three-member board serving two-year terms. Members are appointed by the Sampson County Board of Education.

[9] Although it abolished all districts, the 1933 act specifically provides that declaring districts to be "non-existent" is not to be construed as preventing the tax-levying authorities in any administrative unit, with the approval of the State School Commission, from levying taxes to provide necessary funds for teaching vocational courses, agriculture, and home economics when the tax-levying authorities of the defunct districts were authorized by law to levy taxes for such purposes. Thus either the local acts, to the extent that they grant such authority, are still valid or the

The North Carolina Supreme Court in *Evans v. Mecklenburg*[11] ruled on a conflict between the 1933 Machinery Act and a pre-1933 special-act provision that is germane to our discussion. The decision supports the conclusion that pre-1933 special acts are valid unless they are in conflict with the 1933 Machinery Act. In the *Evans*

1933 act must be construed as incorporating their provisions and providing the authority for continuing this support.

The same conclusion would apply for districts in which a special bond tax had been voted or assumed. The 1933 act provides that when the special district is divided or consolidated and redistricted into a new district, the original district shall be maintained for the purpose of levying and collecting special taxes voted in the unit until sufficient taxes have been levied and collected for the payment of the bonds or other indebtedness. When such situations exist, the taxing district was to be designated as "the ________ 'special bond tax unit' of ________ County."

[10] The General Assembly in 1935, 1937, and 1939 re-enacted the School Machinery Act. This practice stopped with the Machinery Act of 1939, which has continued as the legal basis for operating the uniform system of public schools with amendments added only when a change in the act is sought.

[11] 205 N.C. 560, 172 S.E. 323 (1933). *See also* Hickory v. Catawba County, 206 N.C. 165, 173 S.E. 56 (1934); Board of Educ. v. Commissioners of Onslow, 240 N.C. 118, 81 S.E.2d 256 (1954); and Harris v. Board of Commissioners, 274 N.C. 343, 163 S.E.2d 387 (1968). The right of a successor district to unspent money in the account of a district abolished by the 1933 act was upheld in Board of Education v. Burgin, 206 N.C. 421, 174 S.E. 286 (1934). For a discussion of local school acts, see Ferrell, *Local Legislation in the North Carolina General Assembly*, 45 N.C.L. REV. 340, 340, 364-67, 384-86 (1967).

case a taxpayer sought to enjoin Mecklenburg County from issuing bonds and levying the necessary taxes for new school buildings that were to be erected within the corporate boundaries of the Charlotte Administrative School District. The taxpayer argued that the pre-1933 special act creating the charter district in the city of Charlotte gave full and exclusive power to the district to provide school buildings; that this local act required voter approval for all bond issues; and that school bonds could not be issued without voter approval even though the 1933 Machinery Act did not require such approval.[12] The Court rejected this argument, holding that the provisions of the 1933 act "indicate a legislative intent to annul or to subordinate to the new law all statutes relating to the public schools which were in effect at the time of its enactment and to establish a uniform system under which all the public schools of the State shall be conducted."[13] Even though the Court invalidated portions of a pre-1933 local act because they were in conflict with the 1933 Machinery Act, it suggests that all provisions in pre-1933 local acts that are not in conflict with the 1933 Machinery Act are still operative and of legal effect though subordinate to the general law.

Considering that no one has questioned the legal validity of these acts in the thirty-eight years since the 1933 act became law, long-standing practice should not be upset without clear legislative intent to the contrary.

METHOD OF SELECTION

The provision in the 1933 Machinery Act that trustees of special charter districts and their successors were to be the governing body of reorganized districts (city administrative units) was retained in succeeding school machinery acts. In the 1939 act, the General Assembly added another provision that is codified in the present general law as G.S. 115-21. In its present form, which is only slightly altered from the 1939 version G.S. 115-21 provides that "the board of education of any city administrative unit shall be appointed or elected as now provided by law."

The law "as now provided" is found in the special acts of the General Assembly that are collected in this volume. As Table A shows, these acts show a slight statistical preference for an elected

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[12] At that time, the North Carolina Constitution did not require voter approval for bonds or taxes issued or levied for necessary expenses or for school purposes. The present "two-thirds" limitation of Article V, section 4, of the North Carolina Constitution was added in 1936.

[13] 205 N.C. 560, 563, 172 S.E. 323, 324 (1933).

TABLE A
Selection of School Board Members

Method of Selection	Number of Boards	Percentage of Total
I. Elected by popular vote	29	56%
a. At large (nonpartisan)	20	(40)
b. At large and by ward (nonpartisan)	5	(10)
c. At large (partisan)	3	(4)
d. By ward (nonpartisan)	1	(2)
II. Appointed	23	44%
a. At large by city governing body	14	(27)
b. By General Assembly	2	(4)
c. By ward and at large by city governing body	2	(4)
d. School board appoints its own successors	1	(2)
e. Jointly by two county boards of education	1	(2)
f. Jointly by city governing body and county board of education	1	(2)
g. By county board of education	2	(4)
Total	52	100%

school board. Twenty-six of the twenty-nine elected city boards have nonpartisan elections.[14] Among the twenty-three appointed boards, the preferred appointer is the city governing body, with appointments made on an at-large basis. Several reasons are usually given for this preference for elected school boards. One is that citizens should participate directly in selecting the people who control what is usually the most controversial function of local government. Second, most educators argue that the election of the school board promotes citizen interest in schools, a result they think should be promoted. Third, elected officials are thought to be more responsive and accountable to the people.

The arguments usually advanced for appointed boards are that appointment reduces partisan politics, increases the likelihood that minority groups will be represented, and results in a better board because many capable people will accept appointment but will not run for office. How these considerations are evaluated depends largely upon local conditions. As the 1963 legislative commission on the selection of school board members noted, "No single method of selection of members of boards of education is practical in large and diverse North Carolina."[15] The NEA was undoubtedly correct when it observed: "A school district in which there is an alert public interest can keep an excellent board of education using almost any system of selection. Conversely, if the community is apathetic and negligent, no system of choice will produce an outstanding board."[16]

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[14] For a discussion of the advantages and disadvantages of partisan elections at the municipal level, see Turnbull, *Municipal Elections*, 37 POPULAR GOVERNMENT 8 (December 1970).

Another important consideration in the selection method is whether board members should be selected at large or by ward. In some school systems this issue is more critical to local citizens than whether the board is appointed or elected. Those supporting at-large selection will argue that the most knowledgeable and committed people should be serving on the school board regardless of where they live. Proponents of selection by ward will point out that this approach increases the likelihood of firsthand knowledge of the various sections of the city and makes minority representation more likely. One possibility is a combination of the two systems, with some members coming from wards and others elected or appointed at large. Seven city boards provide for this combined type of selection.

If board members are elected from a district or ward, the district must be established to insure that "equal numbers of voters can vote for proportionally equal numbers of officials." The United States Supreme Court in *Hadley v. Junior College District of Metropolitan Kansas City*[17] extended the "one man, one vote" principle to school boards, holding that the equal protection clause of the Fourteenth Amendment requires that each qualified voter be given an equal opportunity to participate in that election. When board members are elected from a district, the districts must be as nearly equal in population as possible. This Supreme Court decision does not prevent, however, an election scheme requiring candidates to be residents of certain districts that do not contain equal numbers of people when the officials are elected at large.[18] Nor is there a requirement that board members represent the same number of people if they are appointed rather than elected.[19]

[15] Report of the Commission on the Study of the Manner of Selection of Members of the Several Boards of Education of the County and City Administrative School Units of the State, (Raleigh: Legislative Study Commission, 1963), at 4.

[16] *Status and Practices of Boards of Education*, 24 RESEARCH BULLETIN OF THE NATIONAL EDUCATION ASSOCIATION 56 (1946).

[17] 397 U.S. 50 (1970).

[18] Dusch v. Davis, 387 U.S. 112 (1967).

[19] Sailors v. Board of Education, 387 U.S. 105 (1967).

Although this compilation does not deal with county school boards, it is worth noting that the North Carolina general school election law was rewritten in 1969 to provide for elected county boards of education. Before 1969, county boards were appointed by the General Assembly in the Omnibus School Boards Act, a selection method that was unique to this state. The primary purpose of the Omnibus Act was to retain legislative control over local school boards and to guarantee, with a General Assembly controlled by Democrats, that Democrats were selected for school boards in counties that usually voted Republican. Under the new general law procedure for selecting county boards of education, G.S. 115-18 and G.S. 115-19, county boards have five members who are elected for four-year, staggered terms on a nonpartisan basis at the time time of the primary election. Thus county boards, except those with local acts that except them from the general law, are elected.[20]

FILLING VACANCIES

Vacancies are usually filled by appointment either by the remaining members of the school board or by the governing body of the city. As Table B indicates, the statistical preference—30 boards, or 58 per cent—is for appointment by the remaining members of the school board. For four of these boards, however, the appointment is only until the next scheduled biennial election. At that time a replacement is to be elected for the remaining years of the term.

The second major way of filling vacancies—appointment by the governing body of the city—is used by fourteen boards. As one would expect, school boards whose members are elected usually fill vacancies by appointment by the remaining members of the school board. School boards with appointed members usually have their vacancies filled by the body who appointed the person responsible for the vacancy. Several other procedures are also used, most of them appointment by another type of board. The Whiteville local act provides that the six precinct Democratic executive committeemen shall fill vacancies, a provision that would undoubtedly be found in violation of the equal protection clause if contested in court.

Unlike the other four aspects of school board operation examined here, the filling of vacancies is provided for by general law. G.S. 115-21 provides:

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[20] See Phay, *Elementary and Secondary Education*, 35 POPULAR GOVERNMENT 39, 43-45 (September, 1969), for a discussion of the new county election law procedures.

TABLE B
Filling Vacancies

	Number of Boards	Percentage of Total
I. By remainder of school board (in four units the appointment is effective only until the next general election)	30	58%
II. By governing body of city*	14	27
III. Other	8	15
a. By six precinct Democratic executive committeemen	1	
b. By county executive committee of party of person causing vacancy	1	
c. By city or county governing body, depending on which appointed the person causing the vacancy	1	
d. School board nominates three; city governing body selects one	1	
e. School board nominates; city governing body selects	1	
f. By county board of education	2	
g. By mayor and city governing body on recommendation of majority of school board until next regular election	1	
Total	52	100%

*Two units, Burlington and Kannapolis, do not specify in their local acts how vacancies shall be filled and thus fill them in accordance with G S 115-21.

> If no provision is now made by law for the filling of vacancies in the membership of any city board of education, such vacancy may be filled by the governing body of the city or town embraced by said administrative unit. In the event that any such vacancy is not filled in this manner within thirty days, the State Board of Education may fill such vacancy or vacancies.

Only two city school units, Burlington and Kannapolis, do not specify in their special acts how vacancies are to be filled, and thereby come under G.S. 115-21. The special acts of the other fifty units all provide for filling vacancies.

The 1963 legislative study commission on the selection of school board members recommended that interim vacancies on elected boards be filled by the State Board of Education. Scant justification for this recommendation was given, and little can be said in its behalf. The State Board is not a local body and thus would seem less suited to select local school board members than almost any representative local body.

LENGTH OF TERMS AND STAGGERED TERMS

Statistics on the length of terms and the staggering of terms are collected in tables C and D. Six- and four-year terms are preferred by North Carolina administrative units. It is difficult to say what length of term is best, but three primary considerations should be kept in mind. First, the board members should be able to serve long enough to learn their jobs and become effective at them. Second, the term should not be so long that the members are tempted to become unreasonably independent of the desires of the community. Third, it should not be so long that it discourages people from seeking or accepting the position. The Chapel Hill-Carrboro board is considering changing the term from six to four years because six years is a longer commitment than some want or are willing to make. The changes made in length of term in 1971 were reductions in length from five and six years to four years.

TABLE C

Length of Terms

	Number of Boards	Percentage of Total
Four years	22	43%
Six years	18	34
Three years	8	15
Two years	4	8
Total	52	100%

TABLE D

Staggered Terms

	Number of Boards	Percentage of Total
Number staggered	48	92%
Number not staggered	4*	8
Total	52	100%

* Members on three of these four boards are elected every two years. Thus staggering the terms is not a possibility for them.

Ninety-two per cent of the city school units have staggered terms. Three of the four units that do not have staggered terms have two-year terms, which means that these boards' entire membership is selected every two years. However, there is more continuity with these boards than their terms suggest because some incumbents are usually returned to the board. Nevertheless, most will agree that staggered terms are desirable because they insure some continuity of membership and provide a brake on precipitate change in school board policy which might follow the appearance of some momentarily heated issue in the community.

NUMBER OF BOARD MEMBERS

Statistics on the number of members on the various city school boards are collected in Table E. Ninety-four per cent of the boards have from five to nine members.

Two primary considerations should be made in determining the appropriate number of board members. First, the board should be large enough that it is fairly representative of community interests. This usually requires at least five members. Second, it should be small enough to work together easily and quickly.

There seems to be little correlation between the size of the city and the number of board members. Elm City, Franklinton, and Weldon, with some of the smallest student enrollments, have nine-member boards while Asheville, Durham, and Raleigh, with large enrollments, have boards of five, six, and seven members respectively. New York City, with as many students as the entire

TABLE E

Number of Members on School Boards

	Number of Boards	Percentage of Total
Seven members	17	33%
Five members	12	23
Nine members	11	21
Six members	9	17
Eleven members	1	2
Twelve members	1	2
Three members	1	2
Total	52	100%

State of North Carolina, has been governed for many years by a board with seven members.

Although this review and comparison of the major characteristics of city school boards in North Carolina has some value, the meat of this volume is the collection of local acts found in Appendix B. It provides the acts that should be checked first when questions arise about school authority.

This compilation includes the 1971 acts. Future session laws must be examined, however, to see whether they repeal or amend the acts collected here. School officials can check with their school board attorney or the Institute of Government for information about future session laws.

Appendix A

Master Chart of the Procedures for the Selection of Members to North Carolina's Fifty-Two* City Boards of Education

City	Number of Members	Terms		Method of Selection			Method of Filling Vacancies		
		Length (Years)	Staggered (Overlapping)	Basic Method[a]	If Appointed	If Elected	City or County Governing Body	Remainder of School Board	Other
Albemarle	6	6	Yes	E		At large (nonpartisan)		X	
Asheboro	11	6	Yes	E		At large (partisan)[b]		X	
Asheville	5	6	Yes	A	By city governing board		X		
Burlington	7	6	Yes	A	By city governing board		X		G.S. 116-21
Chapel Hill-Carrboro	7	6	Yes	E[c]		At large (nonpartisan)		X[d]	
Clinton	3(6)[e]	2(6)	No(Yes)	A	Sampson Co. Bd. of Educ.				By Sampson Co. Bd of Educ.
Concord	7	4	Yes	E		By ward (6) and at large (1) (nonpartisan)		X	
Durham	6	4	Yes	A	By city governing board		X		
Eden	7	6	Yes	E		At large (nonpartisan)[f]		X	
Elkin	5	4	Yes	A	By city governing board		X		
Elm City	9	6	Yes	E		At large (nonpartisan)		X	
Fairmont	7	4	Yes	E[c]		At large (nonpartisan)		X	

*The Scotland Neck administrative unit is not included in this number, but it is listed in italics in this Appendix. See note on page 1 for explanation.

City	Number of Members	Terms		Method of Selection			Method of Filling Vacancies		
		Length (Years)	Staggered (Overlapping)	Basic Method[a]	If Appointed	If Elected	City or County Governing Board	Remainder of School Board	Other
Fayetteville	12	6	Yes	E		By precincts (8) and at large (4) (nonpartisan)		X	
Franklinton	9	6	Yes	E		At large (nonpartisan)		X	
Goldsboro	9	6	Yes	A	By Wayne Co. Bd. of Educ.				By Wayne Co. Bd. of Educ.
Greensboro	7	4	Yes	A	Six by city governing board, one by Guilford Co. Bd. of Educ.				G'boro City Council or Guil. Co. Bd. Educ. depending on who appointed the one creating vacancy
Greenville	9	4	Yes	A	By city council		X		
Hendersonville	7	4	No	A	By city governing board		X		
Hickory	7	4	Yes	E	By ward (6) and at large (1) (nonpartisan)			X[b]	
High Point	7	4	Yes	A	By ward (4) and at large (3) by city governing board		X		
Kannapolis	5	3	Yes	A	One by Rowan Co. Bd. of Educ., four by Cabarrus Co. Bd. of Educ.				G.S. 115-21
Kings Mountain	5	6	Yes	E		Three from City of Kings Mtn., two from outside city limits (nonpartisan)		X	
Kinston	7	4	Yes	A	By city governing board			X	

City	Number of Members	Terms		Method of Selection			Method of Filling Vacancies		
		Length (Years)	Staggered (Overlapping)	Basic Method[a]	If Appointed	If Elected	City or County Governing Board	Remainder of School Board	Other
Lenoir	7	3	Yes	E		At large[g] (nonpartisan)		X	
Lexington	6	3	Yes	A	By ward (5) and at large (1) by city governing board		X		
Lincolnton	5	4	Yes	E		At large (partisan)		X	
Lumberton	7	4	Yes	E		At large (nonpartisan)		X	
Madison-Mayodan	5	6	Yes	E		By ward and at large (nonpartisan)			Rockingham Co. Commissioners[i]
Maxton	5	4	Yes	E		At large (nonpartisan)		X	
Monroe	7	4	Yes	E		At large (nonpartisan)		X	
Mooresville	5	4	Yes	E		At large (nonpartisan)		X	
Mount Airy	7	3	Yes	A	By city governing board			X	
New Bern	9	3	Yes	A	By city governing board		X		
Newton-Conover	6	4	Yes	E		By ward: four from Old Newton District and two from Old Conover District (nonpartisan)		X	
North Wilkesboro	6	6	Yes	E		At large (nonpartisan)			Mayor and city governing body[j]
Raleigh	7	4	Yes	E		At large (nonpartisan)	X[k]		

City	Number of Members	Terms		Method of Selection			Method of Filling Vacancies		
		Length (Years)	Staggered (Overlapping)	Basic Method[a]	If Appointed	If Elected	City or County Governing Board	Remainder of School Board	Other
Red Springs	5	4	Yes	E		At large (nonpartisan)		X	
Reidsville	6	4	Yes	E		At large (nonpartisan)		X	
Roanoke Rapids	9	6	Yes	E		At large (nonpartisan)		X[d]	
Rocky Mount	9	3	Yes	A	By city governing board			X	
Saint Pauls	6	3	Yes	E		At large (nonpartisan)		X	
Salisbury	9	4	Yes	A	By city council		X		
Sanford	7	6	Yes	E		At large (nonpartisan)		X	
Scotland Neck	*5*	*4*	*Yes*	*E*		*At large (nonpartisan)*			*By city governing body until next regular school election*
Shelby	5	4	Yes	E		At large (nonpartisan)		X	
Statesville	6	6	Yes	E		At large (nonpartisan)	X		
Tarboro	6	6	Yes	A	By city governing board			X	
Thomasville	5	2	Yes	A	By city council		X		

City	Number of Members	Terms		Method of Selection			Method of Filling Vacancies		
		Length (Years)	Staggered (Overlapping)	Basic Method[a]	If Appointed	If Elected	City or County Governing Board	Remainder of School Board	Other
Tryon	5	2	No	A	By General Assembly				By co. ex. comm. of party of person causing vacancy. If not filled within 30 days, State Bd. of Educ. appoints
Washington	9	3	Yes	A	By city governing board		X		
Weldon	9	6	Yes	A	School bd. appoints its own successors			X (Self-perpetuating board)	
Whiteville	9	2	No	A	By General Assembly				By six precinct Democratic ex. committeemen. If not filled within 30 days, State Bd. of Educ. appoints.
Wilson	7	4	Yes	E[l]		At large (nonpartisan)		X[d]	

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[a] Appointed boards are designated by A and elected boards by E.

[b] No more than seven members may be of the same political party.

[c] Members take office on July 1 following their election in May

[d] Appointed by remainder of school board to serve until next regular school election in which successor shall be elected to serve for remainder of the unexpired term.

[e] Clinton has a special act, Ch. 457, Priv. Acts of 1903, which provides for a 6-member board who are to serve 6-year overlapping terms. Successors are to be appointed by the Clinton Board of Education. Since 1933, however, the Clinton Board of Education has been composed of three members who are appointed by the Sampson County Board of Education for two-year terms.

[f] If a precinct in the district is not represented by an incumbent, the candidate with the highest number of votes from the unrepresented precinct is elected.

[g] Not more than four members may belong to same political party.

[h] If vacancy occurs during first two years of term, person serves only until next regular school board election.

[i] Commissioners appoint from persons nominated by school board.

[j] Appointments made from recommendations of school board. Appointees serve only until next regular school election.

[k] If not enough candidates run at the next scheduled election, Raleigh City Council appoints the new member.

[l] Persons elected take office the second Monday in June following their election in May.

APPENDIX B

This Appendix contains the basic acts governing the operation of the fifty-two city school administrative units in North Carolina. If a section has been amended, repealed, or rewritten by a later act, a notation of the change and the act making it has been added in the margin by the affected section. See page 2 for additional information about this appendix.

ALBEMARLE

1899—Chapter 269.

An act for the establishment of a graded school in the town of Albemarle, Stanly county.

The General Assembly of North Carolina do enact:

Commissioners of Albemarle authorized to order an election.

Time of election.

Bonds for graded school purposes to be voted on.

Section 1. The board of town commissioners of the town of Albemarle, Stanly county, North Carolina, are hereby empowered and authorized to order an election to be held in said town jointly with the municipal election on the first Monday in May, eighteen hundred and ninety nine, and submit to the qualified voters of said town the question of establishing a graded school in said town, and the question of issuing bonds for a sum not exceeding five thousand dollars, for the purpose of buying a lot or lots and erecting thereon suitable school buildings. The said board of town commissioners shall give thirty days' notice of said election in a weekly newspaper published in said town.

Rules of election.

Form of ticket.

Sec. 2. That the said election shall be held under the same rules and regulations as govern the election for town officers under charter of said town, and the qualified voters of the said town shall vote at said election tickets on which shall be written or printed the words, "For school and bonds," or "Against schools and bonds," and the result of said election shall be ascertained and declared under the same rules that govern and determine the election of town officers.

Commissioners empowered to levy special tax if bonds voted for.

Sec. 3. That if a majority of the qualified voters of said town shall vote at the said election in favor of schools and bonds it shall be the duty of the board of commissioners of the town of Albemarle, provided for by this act, and their successors to levy

Maximum tax.

annually a special tax not exceeding thirty-three and one-third cents on the hundred dollars valuation of all the taxable property of said town and upon the poll not exceeding one dollar, and the said taxes shall be collected annually by the tax collector of said town under the same rules and regulations that govern town tax.

Public school district.

SEC. 4. That for the purpose and benefits of this act the town of Albemarle shall be a public school district and it is hereby named and designated "the Albemarle graded school district."

Application of public school funds.

SEC. 5. That all public school funds derived from the state and county for the use and benefits of the public school district of said town shall be paid to the treasurer of said town by the treasurer of Stanly county for the use and benefit of said graded school.

Commissioners empowered to issue bonds.

Amount of bonds.

Rate of interest.

When payable.

Proviso.

May divide bonds into classes.

Bonds, how numbered and signed.

SEC. 6. That it shall be the duty of the board of commissioners of said town, and said board is authorized and fully empowered (if a majority of the qualified voters vote for schools and bonds) to issue bonds with coupons of the town of Albemarle, not to exceed in amount the sum of five thousand dollars and in denominations of not less than fifty dollars nor more than five hundred dollars, bearing interest from date of bonds at the rate of six per centum and payable annually on the first day of January of each year until the said bonds are paid; that the said bonds shall be made payable at a time to be fixed by the said board of commissioners and named therein, not to be less than five nor more than twenty years from date thereof: *Provided, however*, that the said board of commissioners of the town of Albemarle may divide said bonds into classes as they may determine and have them mature at different convenient dates between the limits aforesaid. It is further enacted that the said bonds and their coupons shall be numbered and the bonds shall be signed by the mayor of the town of Albemarle and countersigned by the treasurer of said town and have the corporate seal of said town affixed thereto and the coupons thereto attached shall be signed by the mayor and treasurer of said town, and a full record of bonds and coupons shall be kept by the secretary of said board of commissioners.

How bonds shall be sold.

Said moneys shall constitute a separate fund.

SEC. 7. That said bonds shall not be sold for less than their face value; that when issued said bonds shall be deposited with the treasurer of said town and shall not be delivered to any purchaser until the purchase money is paid in full, and the said treasurer and sureties on his official bond shall be liable, account for and pay over the amount of bonds as sold. It is further enacted that the said treasurer shall keep separate from all public money coming into his hands the moneys arising from the sale of said bonds, and the same shall be expended and exclusively applied by The Board of School Commissioners of the town of Albemarle to the purchase of suitable lot or lots and the erection thereon [of] a suitable school building and the furnishing and equipping of the same for school purpose.

Amended,
P.L. 1901,
ch. 460, § 1

To whom paid.

[SEC. 8. That the special taxes mentioned in article three of this act shall be paid over by the tax collector, after deducting such commissions as The Board of School Commissioners of said town shall allow him, to the treasurer of said town, and the said treasurer shall keep the money thus arising from special taxes separate and apart from the other public money which may come

On what order money shall be paid out.

Amended, Pr.L. 1907, ch. 63, § 1

into his hands, and shall pay out the same for the exclusive use and benefit of said graded school only upon the warrant or order signed by the chairman and secretary of said Board of School Commissioners[and by the mayor of said town,]and the treasurer shall pay out the money arising from the sale of said bonds upon warrant or order duly signed as is required in case of warrants and orders for the payment of other school funds mentioned in this section.

Board of school commissioners created.

Term of office.

Amended, P.L. 1901, ch. 460, § 2

Amended, P.L. 1901, ch. 460, § 2

Vacancies occurring.

SEC. 9. That for the purpose of this act there is created a Board of School Commissioners for the town of Albemarle, and this board shall consist of nine members and shall be divided into three classes. Terms of office of the first class shall expire at the end of two years; the second class at the end of four years, and those of the third class shall expire at the end of six years, and as their terms shall expire there shall be elected at the regular election had for said town of Albemarle[three]school commissioners respectively at each election as other officers of said corporation, each class to date [from the first Monday in May, eighteen hundred and ninety-nine] The different classes shall consist of the following persons: First class: A. S. Lentz, R. E. Austin, J. D. Bivens. Second class: S. H. Milton, L. A. Moody and J. A. Hathcock. Third class: S. H. Hearne, J. W. Snuggs and J. M. Brown. In case of vacancy of office on said Board of School Commissioners at any time between dates of election that said vacancy may be filled by a majority vote of the whole number of school commissioners to fill out the unexpired term. That all warrants and orders on the treasurer of the town of Albemarle for money appropriated by this act shall be passed upon by The Board of School Commissioners before being signed by the said treasurer and other officers as is heretofore prescribed in this act.

School commissioners shall have exclusive control of said schools.

Census of population.

Body corporate.

Corporate name.

Corporate powers.

Amended, Pr.L.Ex. 1924, ch. 25, § 1

SEC. 10. That The Board of School Commissioners for the town of Albemarle shall have entire and exclusive control of the said graded school, shall employ and fix compensation of officers and teachers, shall make an accurate census of the school population of the said town as is required by the general school law, and do all other acts that may be necessary, just and lawful for the management of said graded school, and the board of such school commissioners of the said town of Albemarle shall constitute a body corporate under the name and style of "The Board of School Commissioners of the town of Albemarle," with power to sue and be sued and to plead and be impleaded. And by that name shall be capable of receiving gifts, grants, of making purchases, of buying, holding and selling property both real and personal, of mortgaging, transferring and conveying property both real and personal for school purposes. Conveyances, mortgages and all other instruments to the said board shall be made to them and their successors in office, and all deeds, mortgages and other agreements effecting [affecting] real estate and personal property shall be deemed sufficiently executed when signed by the chairman of said Board of School Commissioners and a majority of the other commissioners]

SEC. 11. That it shall be the duty of said Board of School Commissioners to make an annual report on Friday before the first Monday of May in each year of all the workings of the school, including the improvements and expenditures, to the mayor of said town.

Students outside corporate limits.

SEC. 12. That said Board of School Commissioners may allow students to attend school who lives outside of the incorporate limits where they pay for the same, or free of charge when public school money is being taught out.

Treasurer and tax collector shall give increased bonds.

SEC. 13. That the treasurer of the town and tax collector shall before entering upon the duties prescribed in this act enter into bonds with good and sufficient security in such sums as may be fixed and approved by The Board of School Commissioners and mayor of the town.

Conflicting laws repealed.

SEC. 14. That all laws and clauses of laws in conflict with this act be and are hereby repealed.

SEC. 15. That this act shall be in force from and after its ratification.

Ratified the 27th day of February, A. D. 1899.

1901—CHAPTER 460.

An act to amend Chapter 269, Public Laws of 1899, the same being an act to establish a graded school in the town of Albemarle, Stanly County.

The General Assembly of North Carolina do enact:

Chapter 269, Public Law 1899, amended.

SECTION 1. That chapter 269 of the Public Laws of 1899, be and the same is hereby amended by inserting between section seven (7) and section eight (8) the following:

Sub-Section 1.

Duty of Commissioners to levy special tax.

Upon what to levy.

To what applicable.

How collected.

Sub-section 1. In order to pay the interest on said bonds the Commissioners for said town are hereby authorized and it shall be their duty to annually compute and levy at the time of levying other taxes of said town, a sufficient special tax upon all polls and all property, real and personal, and other subjects of taxation mentioned in the charter of the said town, and acts amendatory thereto, which shall be returned or listed for general taxation in said town, with which to regularly and promptly pay the interest on said bonds; said taxes shall be collected in the same manner and at the same time the other taxes of said town are collected, and shall be paid over by the Town Tax Collector to the Treasurer of said town, deducting such commissions as may be allowed by said Commissioners.

Sub-Section 2.

Funds to be kept separate.

Proviso.

Interest.

Sub-section 2. That the taxes levied and collected for the purposes specified in sub-section one of this act shall be kept separate and distinct from any and all other taxes, and shall be used only for the purposes for which they are levied and collected: *Provided*, that if the taxes levied and collected for the payment of interest shall in any year exceed the sum required for that purpose, the amount in excess shall be applied to the credit of the interest fund for next succeeding year, and said Commissioners, at the time of levying taxes for payment of interest for said next succeeding year, shall take into consideration said excess and compute and levy said taxes accordingly.

Sub-Section 3.

Sinking fund.

Sub-section 3. That for the purpose of creating a sinking fund with which to pay the principal of the bonds issued under section six of said chapter 269, it shall be the duty of the Commissioners to annually levy and collect a special tax, in addition to that mentioned in sub-section 1 of this act, and the tax provided for in this sub-section shall be sufficient in amount to pay off the principal of said bonds as they become due; and whenever the amount of taxes collected under this sub-section, together with the interest accumulated from the investment thereof, as provided in sub-section 4 of this act, shall be sufficient to pay off the principal of all said bonds, then said Commissioners shall cease to levy taxes for said sinking fund.

Section 6, Chapter 269.

Special tax to be levied.

Application of said levy.

When levy to cease.

Sub-section 4. That it shall be the duty of said Commissioners to annually invest any and all money arising from the special tax collected under sub-section three of this act in the purchase of any of said bonds at a price deemed advantageous to said town by said Commissioners, but in case said bonds can not be purchased as herein provided, the said Commissioners may lend said sinking fund or any part thereof in such sums as they may deem proper, for a length of time not exceeding six months prior to the date of maturity of said bonds, taking as security for the payment thereof, and for the payment of the interest thereon, mortgages or deeds in trust in the name of the Mayor, on sufficient real estate, or bonds issued under this act may be taken as collateral security for such loan. The notes or other evidences of debt given for any loan under this section shall be executed to and in the name of the Commissioners for the town of Albemarle, and shall bear interest payable annually at a rate not less than six per centum per annum, and in case the Commissioners for said town shall not be able to invest any or all of said money annually as directed above, they may and it shall be their duty to cause such part as they are unable to invest to be deposited with some bank, trust company or safe-deposit company, of undoubted solvency, at the best obtainable rate of interest and any and all interest arising from the investments as above directed shall be reinvested in the manner as above provided. Any Mayor or Commissioner of said town who shall be personally interested, directly or indirectly, in any loan shall be guilty of a misdemeanor.

Sub-Section 4.

Commissioners to invest.

Date of maturity of investments.

Collateral security.

Bonds and notes. How executed.

Rate of interest.

Inability to invest.

A misdemeanor.

Sec. 2. That section nine (9) of said chapter 269, Public Laws of 1899, be and the same is hereby amended by striking out the word "three," in line eight (8) between the words "Albemarle" and "school," and insert in lieu thereof the word "two;" and after the word ninety-nine," in line eleven (11) add the following: "And thus the number of School Commissioners shall be gradually reduced from nine (9) to six (6)."

Section 9, Chapter 269, Public Laws 1899, amended.

Sec. 3. That this act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

1907—Chapter 63

AN ACT TO AMEND THE CHARTER OF THE GRADED SCHOOL OF THE TOWN OF ALBEMARLE.

The General Assembly of North Carolina do enact:

School orders.

Section 1. That chapter two hundred and sixty-nine, section eight, Public Laws of one thousand eight hundred and ninety-nine, be and the same is hereby amended by striking out the words "and by the mayor of said town," in line ten (10) of said section.

Reports of school commissioners.

Sec. 2. That section eleven of said chapter two hundred and sixty-nine, Public Laws of one thousand eight hundred and ninety-nine, be and the same is hereby repealed and the following substituted for it: "That said board of school commissioners shall make an annual report to the mayor of said town, on or before the first day of July of each year, of all the workings of said school, including the improvements and expenditures."

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 12th day of February, A. D. 1907.

1924—Chapter 25

AN ACT TO AMEND THE CHARTER OF THE GRADED SCHOOL OF THE TOWN OF ALBEMARLE, AND GIVE TO THE BOARD OF SCHOOL COMMISSIONERS OF SAID TOWN THE POWER OF EMINENT DOMAIN FOR SCHOOL PURPOSES.

The General Assembly of North Carolina do enact:

Section amended.

School commissioners.

Power to condemn.

Procedure.

Section 1. That section ten of chapter two hundred and sixty-nine, Public Laws one thousand eight hundred and ninety-nine, chartering the graded school in the town of Albemarle, be amended by adding to the end of said section ten the following: "That the board of school commissioners of the town of Albemarle be and said board is hereby authorized and empowered to condemn any and all lands and buildings which said board may deem necessary for use in connection with its present school grounds, buildings and playgrounds, or for the establishment of new schools and playgrounds connected therewith; that the procedure for doing same shall be that prescribed in article two, chapter thirty-three of the Consolidated Statutes of North Carolina, and acts amendatory thereof."

Repealing clause.

Sec. 2. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed so far as the same relates to the town of Albemarle only.

Sec. 3. This act shall be in force from and after its ratification.

Ratified this the 20th day of August, A.D. 1924.

1941—CHAPTER 183

AN ACT TO AUTHORIZE THE VOTERS IN THE ALBEMARLE SPECIAL SCHOOL TAX DISTRICT OR UNIT, WHO LIVE OUTSIDE OF THE CORPORATE LIMITS OF SAID TOWN TO VOTE IN THE PRIMARIES AND ELECTIONS FOR THE ELECTION OF SCHOOL COMMISSIONERS IN SAID DISTRICT.

The General Assembly of North Carolina do enact:

Voting rights extended to all qualified voters in Albemarle Special School Tax District.

SECTION 1. That all qualified voters in the Albemarle Special School Tax District or Unit, who live outside of the corporate limits of the Town of Albemarle be, and they are hereby authorized and empowered along with the voters living in the inside of said corporate limits, to vote in the primary and election in one thousand nine hundred and forty-one for the nomination and election of two members of the board of school commissioners, or school governing board, of said district at the primary and election to be held in one thousand nine hundred and forty-one, and all primaries and elections thereafter, to fill the two vacancies occurring in one thousand nine hundred and forty-one, and all vacancies occurring thereafter, for the full term of six years, as provided in the present law pertaining to the election of members of said board.

Conduct of primaries and elections.

SEC. 2. That said primaries and elections shall be held at the same time and place as the regular primaries and elections are held in the Town of Albemarle for the nomination and election of mayor and board of commissioners, and shall be held under the same rules, laws and regulations pertaining to the holding of said primaries and elections.

Registration of voters.

SEC. 3. That a separate registration shall be had for all voters living outside of the corporate limits of said special school tax district or unit, and all voters in said special district who desire to vote in said primaries or elections shall register for same at the times designated therefor; and the same registrar appointed by the Board of Commissioners of the Town of Albemarle shall act as registrar for those living outside of the town in said district. No new registration is required inside of the town but the books shall be opened for new registrants, as provided by law.

Appointment of election officials

SEC. 4. That the Board of Commissioners of Stanly County is hereby authorized and empowered to appoint two special judges of election who shall act with the registrar and judges appointed to hold the municipal election in said town, in holding and supervising the election of the board of school commissioners or school governing board voted on in the primaries and elections.

Payment of costs of registration, etc.

SEC. 5. That all cost incurred in the registration of said voters living outside of the corporate limits of said town and the per diem of the two special judges appointed by the board of county commissioners and all other additional expenses incurred on account of the provisions of this Act shall be paid by the Board of County Commissioners of Stanly County.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1941.

ASHEBORO

1905—CHAPTER 413.

AN ACT TO BUILD A GRADED SCHOOL BUILDING IN THE TOWN OF ASHBORO.

The General Assembly of North Carolina do enact:

Town made school district.

SECTION 1. That all the territory lying within the corporate limits of the town of Ashboro, as the boundaries of said town are on the first day of April, one thousand nine hundred and five, shall constitute a public school district for the white and colored children and shall be known and designated as "Ashboro Graded School District."

Bond issue authorized.

Amount.

Description of bonds.

SEC. 2. That the board of graded school trustees, hereinafter provided for, shall be and are hereby authorized and empowered to issue bonds of said graded school district to an amount not exceeding ten thousand dollars ($10,000), of such denomination and of such proportion as said board of trustees may deem advisable, bearing interest from date thereof at a rate not exceeding six per cent. per annum, with interest coupons attached, payable half-yearly at such time and place as may be deemed advisable by said board of trustees: said bonds to be of such form and tenor and transferable in such way, and the principal thereof payable or redeemable at such time or times, not exceeding twenty years from the date thereof, and at such place or places as said board of trustees may determine: *Provided*, that the said board of trustees shall issue such bonds at such time or times, and in such amount or amounts, as may be required to meet the expenditure hereinafter provided for in section three of this act.

Application of proceeds.

SEC. 3. That the proceeds arising from sale of said bonds or such part thereof as may be necessary, shall be expended by said board of graded school trustees in providing by purchase or otherwise such graded school buildings as may be required and furnishing the same with graded school furniture and other necessary equipment.

Bonds not to be sold below par.

SEC. 4. That none of the said bonds shall be disposed of by sale, exchange, hypothecation or otherwise for less price than their par value: nor shall said bonds nor their proceeds be used for any other purpose than that declared in section three of this act.

Exempted from town taxes.

Coupons receivable for town taxes.

SEC. 5. That said bonds and their coupons shall not be subject to taxation by the town of Ashboro until after they have become due and tender of payment shall have been made, and such coupons shall be receivable in payment of all and other public dues of said town for any fiscal year in which said coupons shall become due, or thereafter: and if any holder of said bonds or coupons shall fail to present the same for payment at the time or times and at the place or places therein named, the holder shall not be entitled to interest thereon for the time they shall have been outstanding after maturity.

Special tax.

Limit.

SEC. 6. That for the purpose of providing for payment of said bonds and interest thereon and of defraying the expenses of the public graded schools provided for in this act, the Board of Commissioners of the Town of Ashboro shall annually and at the time of levying the municipal taxes, commencing with the fiscal year beginning the first day of June, one thousand nine hundred and five, levy and lay a particular tax on all persons and subjects of taxation within the limits of said graded school district on which said board of commissioners may now or hereafter be authorized to lay and levy taxes for any purpose whatsoever: said particular tax to be not more than forty cents on the one hundred dollars assessed valuation of property and not more than one dollar and twenty-five cents on each taxable poll.

Collection of tax.

Proviso: bonds of tax collector and treasurer.

SEC. 7. That said taxes shall be collected by the Tax Collector of the Town of Ashboro at the time and in the manner that the municipal taxes are collected, and said tax collector shall pay the same to the treasurer of said town, and shall keep such money separate and apart from the municipal funds. And the treasurer shall pay out said taxes and other funds which may come into his hands for the use of said graded schools only upon the warrant of the chairman and secretary of said board of graded school trustees: *Provided*, that said tax collector and said treasurer shall enter into bond in such amounts as said board of trustees may direct for the faithful performance of the demands of their respective offices.

Sections submitted to vote of people.

Date of election.

Notice of election.

SEC. 6. That the provisions of sections two and six of this act shall be submitted to a vote of the qualified voters of said town of Ashboro at an election to be held at the time of the next regular town election, unless the board of town commissioners in their discretion deem it wise and proper to defer or put off said election to a day to be designated by them within the next twelve months after the ratification of this act. That thirty days' notice of said election, containing a copy of the provisions of sections two and six of this act or a synopsis of the same, shall be published in some newspaper published in the town of Ashboro, and in all other respects the said election shall be held and conducted under the provisions of the law governing the holding of municipal

Form of ballots.

Effect of election.

Proviso: record of result.

elections of said town. Those qualified voters approving the issue of bonds provided for in section two and the levy and collection of the particular taxes provided for in section six of this act shall deposit a ballot containing the written or printed words "For Better Schools," and those disapproving the same shall deposit a ballot containing the written or printed words "Against Better Schools." If a majority of the qualified voters of said town are in favor of granting to the aforesaid board of graded school trustees authority to issue such bonds and to the board of commissioners of said town to levy such particular taxes, then said board of trustees and said board of commissioners shall have such authority. But if a majority of such qualified voters shall vote "Against Better Schools," then said board of trustees and said board of commissioners shall not have such authority: *Provided*, that the result of such election, duly ascertained in accordance with the law, shall be enrolled among the public records of the town of Ashboro; and after thirty days from the date of such enrollment such record shall not be open to attack, but shall be deemed conclusive evidence of the truth of the fact therein recited.

Trustees named.

Terms of office.

Successors.

Amended, Pr.L. 1935, ch. 169, § 1

Proviso: vacancies.

Proviso: trustee not an officer.

SEC. 9. That J. O. Redding, D. M. Holloday, J. A. Spence, S. W. Laughlin, E. L. Moffitt, W. J. Scarboro, R. R. Ross, A. C. McAllister and W. P. Wood shall be and are hereby constituted a board of trustees for the public school of said town. That the term of office of said trustees shall begin at the expiration of the terms of office of the present school commissioners of said town. That the first three of said trustees shall hold office until the first Monday in July, nineteen hundred and seven; the next three until the first Monday in July, nineteen hundred and nine, and the last three until the first Monday in July, nineteen hundred and eleven; and their successors as herein provided shall hold for the term of six years each. [The vacancies occurring by reason of the expiration of the term of office of the trustees aforesaid shall be filled by a majority vote of the other members of such board of graded school trustees holding over, acting in conjunction with the Board of Commissioners of the Town of Ashboro; and for the purpose of filling such vacancies said members of the board of trustees and said board of commissioners shall meet in joint session on the Monday immediately preceding the first Monday in July in each year in which any such vacancy is to occur: *Provided*, that any and all vacancies in the board of trustees occurring by reason of death, resignation or otherwise than by expiration of term of office, shall be filled by other members of said board of trustees: *Provided*, that the position of trustees shall not constitute an office within the meaning of article seven, section fourteen of the Constitution of this State.]

Trustees incorporated.

Corporate name.

Corporate rights.

SEC. 10. That the said board of graded school trustees and their successors in office shall be and are hereby constituted a body corporate by the name and style of the graded school trustees of Ashboro, and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire by gift, purchase or devise real estate and personal property; hold, exchange, mortgage or sell the same, and exercise such other rights and privileges as are incident to other corporations. And said corporation shall have a corporate seal, which it may break and exchange at pleasure.

Duties of trustees.

Proviso: donations.

SEC. 11. That it shall be the duty of said board of graded school trustees to establish and maintain public schools for the white and colored children of said graded school district, and said board of trustees shall appropriate and use the funds derived from said particular taxes and from other sources in such manner as may be deemed just, fair and equitable to both races, providing equal school facilities for each, due regard being paid, however, to the difference in cost of maintaining said schools: *Provided*, that all donations to said schools shall be applied as directed by the donors.

Trustees to have exclusive control of schools.

School funds.

SEC. 12. The said board of graded school trustees shall have exclusive control of all public schools in said public school district, free from the supervision of the County Board of Education and the County Superintendent of Schools of Randolph County, and shall prescribe rules and regulations, not inconsistent with this act, for their own government and for the government of such schools; shall prescribe the qualifications, employ and fix the compensation of all officers and teachers of such schools; shall cause to be taken, from time to time, according to the general school law of the State, an accurate census of the school population of said school district, and shall exercise such other powers as may be necessary for the successful control and operation of said graded schools.

Apportionment of State and county funds.

School property vested in graded school.

SEC. 13. That all public school funds derived from the State and county of Randolph for the use and benefit of the public school district shall be paid over to the Treasurer of the Town of Ashboro by the Treasurer of said County of Randolph for the use and benefit of the graded schools in said graded school district, except as hereinbefore provided in section twelve of this act; and the property, both real and personal, of the school districts embraced within the limits of said town of Ashboro shall become the property of said graded school district, and the title thereto shall be vested in said board of trustees, in trust therefor; and the said board of trustees shall, in their discretion, sell the same or any part thereof and apply the proceeds to the use of the public school to be established in said graded school district.

Superintendent and teachers.

SEC. 14. That said board of graded school trustees shall elect annually, at least thirty days before the opening of the fall term of graded schools, a superintendent and all other necessary teachers. Said superintendent shall supervise the said graded public schools in said district and exercise such other powers and discharge such other duties as said board of trustees may prescribe.

Curriculum and text-books.

Non-resident pupils.

SEC. 15. That said board of graded school trustees are hereby authorized in their discretion to fix a curriculum of studies and to adopt text-books for said graded schools; to provide for instruction other than that included in the prescribed course, and to fix the rate of tuition to be charged therefor, and to admit pupils residing without the limits of said district, upon such terms as the said board of trustees may deem just and reasonable.

Annual reports.

SEC. 16. That it shall be the duty of said board of graded school trustees to make to the Mayor and Board of Commissioners of the Town of Ashboro, annually, after the close of each year, a full report of the operations of the graded public schools of said graded school district, and duplicate copies of said report shall be furnished to the Superintendent of Schools of Randolph County.

Apportionment of funds.

Sec. 17. That the board of school trustees, having authority under general school law of the State, shall, in the apportionment of all public school funds to said graded school district, apportion the same according to the public school law.

Pay of tax collector and treasurer.

Sec. 18. That the tax collector shall receive for collecting all taxes under this act a commission not exceeding two per cent., and the treasurer shall receive a commission for disbursing the same not exceeding one per cent.

Conflicting laws repealed.

Sec. 19. That all laws and clauses of law in conflict with this act are hereby repealed.

Sec. 20. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

1924—Chapter 30

AN ACT INCORPORATING THE ASHEBORO GRADED SCHOOL DISTRICT, AND VALIDATING A BOND ISSUE.

The General Assembly of North Carolina do enact:

School district incorporated.

Bonds issued in name of corporation.

Powers and duties.

Board of trustees.

Section 1. For all purposes relating to the issuance or payment of bonds under the provisions of chapter one hundred and fifteen of the Private Laws of nineteen hundred and twenty-one, the inhabitants of the Asheboro Graded School District, created by chapter four hundred and thirteen of the Private Laws of nineteen hundred and five, are hereby constituted a body politic and corporate by the name and style of Asheboro Graded School District; and all bonds issued pursuant to said chapter one hundred and fifteen of the Private Laws of nineteen hundred and twenty-one shall be issued in the name of the said corporation. The said corporation is hereby authorized to sue or be sued in any matter concerning the issuance or payment of bonds issued in the name of said corporation and to adopt a corporate seal. The powers and duties of said corporation shall be exercised by the board of graded school trustees of Asheboro established by the said chapter four hundred and thirteen of the Private Laws of nineteen hundred and five.

Bond election.

Amount.

Election validated.

Bonds authorized.

Sec. 2. The election held in the said Asheboro Graded School District on eighteenth day of March, nineteen hundred and twenty-four, on the question of issuing not exceeding fifty thousand ($50,000) of serial bonds of the said school district and levying a sufficient annual tax to pay the same, with interest, is hereby validated, and all other acts and proceedings done or taken relating to the issuance of the said bonds are hereby validated; and the board of graded school trustees of Asheboro are hereby authorized to issue the said bonds pursuant to the provisions of chapter one hundred fifteen of the Private Laws of one thousand nine hundred twenty-one; and no further election shall be necessary for the issuance of said bonds.

Repealing clause.

Sec. 3. All acts or parts of acts inconsistent with this act are hereby repealed.

Sec. 4. This act shall be in force from and after its ratification.

Ratified this the 21st day of August, A.D. 1924.

1935—CHAPTER 169

AN ACT TO PROVIDE FOR THE ELECTION OF THE TRUSTEES OF THE ASHEBORO GRADED SCHOOL DISTRICT BY THE VOTERS THEREOF.

The General Assembly of North Carolina do enact:

Ch. 413, Private Laws 1905, amended.

SECTION 1. That Chapter four hundred thirteen of the Private Laws of North Carolina, Session of one thousand nine hundred and five, be and the same is hereby amended by striking out so much of Section nine thereof as follows the period in the twelfth line immediately after the word "each" and inserting in lieu thereof the following:

Election of Asheboro Graded School District Trustees by people.

Boundaries of district.

Laws applicable.

Temporary vacancy appointments.

Party representation.

"All vacancies occurring by reason of the expiration of the term of office of trustees, and by reason of death, resignation or otherwise, shall be filled by the voters of the district at the last regular municipal election, which shall be held in the Town of Asheboro, North Carolina, next preceding the first Monday in July of the odd years in the calendar. The boundaries of said Asheboro Graded School District are coterminous with the boundaries of the Town of Asheboro, N. C., and the election of Graded School Trustees for said district shall be held and conducted under and in accordance with the laws under which the election of Commissioners for the Town of Asheboro shall be held and conducted: *Provided*, the Board of Graded School Trustees shall itself have power and authority to temporarily fill vacancies occurring in the Board, until other trustees are elected to fill such vacancies as herein provided, and thereafter until the said first Monday in July: *Provided, further*, not more than two-thirds of the members of the Board shall be elected from members of one and the same political party.

SEC. 2. This Act shall be in full force and effect from and after its ratification.

Ratified this the 18th day of April, A.D. 1935.

1945—CHAPTER 417

AN ACT TO PROVIDE FOR AND REGULATE THE APPOINTMENT OF TRUSTEES FOR ASHEBORO SCHOOL DISTRICT, IN THE COUNTY OF RANDOLPH, STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Authorising Trustees of Asheboro Graded School District to select two Trustees from Asheboro School District, who live outside of Asheboro.

SECTION 1. The Trustees of Asheboro Graded School District, a district created and existing under and by virtue of Chapter four hundred and thirteen, of the Private Laws of North Carolina, Session of one thousand nine hundred and five, as amended, shall be and they are hereby authorized, empowered and directed, at any time after the ratification of this Act, and before the first day of July, one thousand nine hundred and forty-five, to designate and appoint as trustees two citizens and residents of Asheboro School District, (which comprises and is coterminous with Asheboro Township) Randolph County, State of North Carolina, but who reside outside of and beyond the corporate limits of the Town of Asheboro.

SEC. 2. The two trustees designated and appointed under and in accordance with Section one hereof, shall hold office from the time of their appointment to the first day of July, one thousand nine hundred and forty-seven, and until their successors shall be designated and appointed. The Trustees of Asheboro Graded School District shall thereafter, every two years, designate and appoint from among the citizens and residents of the same are, the same number of persons as trustees to succeed the trustee whose terms will then be approaching expiration, for terms of two years each and until their successors shall be designated and appointed. Such designations and appointments shall be made during the period of sixty days next preceding the time for the terms to begin. The Trustees of the Asheboro Graded School District shall, should a vacancy arise, by death, resignation or otherwise, appoint a citizen and resident from the same area to fill any and every such vacancy for the unexpired term. The two trustees to be designated and appointed as in this Act provided, shall not belong to the same political party. Any and all designations and appointments, whether original or to fill vacancies, shall be so made that the two trustees from the area outside the Town of Asheboro shall never belong to the same political party.

SEC. 3. The Trustee of Asheboro Graded School District elected under and in accordance with Chapter four hundred and thirteen, of the Private Laws of North Carolina, Session of one thousand nine hundred and five, as amended, together with the two trustees designated and appointed as herein provided, shall have charge of the administration of the public schools in said Asheboro School District, with all the rights, powers and privileges, and subject to all the responsibilities of trustees as set forth and contained in said Chapter four hundred and thirteen, of the Private Laws of North Carolina, Session of one thousand nine hundred and five, as amended by the express statutory enactment and also by the General Laws of the State of North Carolina relating to education.

SEC. 4. All laws in conflict herewith are hereby repealed. **Conflicting laws repealed.**

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1945.

1957—CHAPTER 35

AN ACT TO PROVIDE FOR THE ELECTION OF MEMBERS OF THE BOARD OF EDUCATION OF ASHEBORO CITY ADMINISTRATIVE UNIT.

Amended,
S.L. 1969,
ch. 172,
§ 1.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Asheboro City Administrative Unit shall be composed of eleven members, all of whom shall be qualified voters residing within the Unit.[Not less than two of such members shall reside in territory not within the Town of Asheboro.]

Amended, S.L. 1969, ch. 172, § 2

Sec. 2. The term of office of four members shall be two years, the term of office of four other members shall be four years, and the term of office of three other members shall be six years. The term of office of each successor to said members shall be six years. Any vacancy occurring by reason of death, resignation or otherwise than by expiration of the term of office, shall be filled for the unexpired term by the appointment made by the remaining members of the Board of Education. [Each person appointed to fill a vacancy or elected to succeed a member whose term of office expires shall be a person residing in territory not within the Town of Asheboro if such be necessary to insure that two members of the board shall reside in such territory.] No person shall be appointed to fill a vacancy who is a member of any political party if such appointment will increase the number of such persons of such political party who are members of the board to more than seven. The term of office of each of the original members shall begin on July 1 next after the holding of the special election hereinafter provided for, and the terms of office of such successors shall begin on the anniversaries of such date.

Sec. 3. James R. Lane, L. H. Morgan and F. O. Yates, who are now Trustees of Asheboro Graded School District, shall be members of said Board of Education having two-year terms. J. D. Croom, Jr., and Joseph R. Suggs, who are now Trustees of Asheboro Graded School District, shall be members of said Board of Education having four-year terms. The remaining members of said Board of Education shall be elected at a special election to be held in the Asheboro City Administrative Unit on a date which shall be not later than ninety days after the ratification of this Act and shall be determined by the Trustees of Asheboro Graded School District. The successor to each member shall be elected at an election to be held in said Unit on the Tuesday immediately following the first Monday in May preceding the expiration of the term of office of such member.

Amended, S.L. 1969, ch. 172, § 3

Sec. 4. [The persons elected at any election shall include such number of persons residing in the territory outside the Town of Asheboro as may be necessary to insure that not less than two members of the board shall reside in such territory.] The persons elected at any election shall not include more persons of any one political party than will increase the number of such persons of such political party who are members of such board to more than seven. In determining the persons elected, each person receiving a greater number of votes shall be preferred over a person receiving a lesser number of votes. Of the persons elected at said special election, the three receiving the most votes shall be deemed elected for a six-year term of office, the two receiving the next larger number of votes shall be deemed elected for a four-year term of office and the other person elected shall be deemed elected for a two-year term of office.

Sec. 5. The Trustees of Asheboro Graded School District shall give notice of said special election, and the Board of Education of Asheboro City Administrative Unit shall give notice of each subsequent election. Such notice shall be published once in a newspaper circulating in the district not later than thirty days prior to the date of such election, and the notice so published shall state the time and place of the election and the number of members of the Board of Education to be elected at such election, and the location of the polling place or places provided therefor.

Sec. 6. The County Board of Elections of Randolph County shall conduct each election held pursuant to this Act and shall designate the polling place or places and appoint the Registrars and Judges of Election and canvass and judicially determine the results of the election. The County

Board of Elections shall provide for the registration of voters for each election and shall cause to be prepared the necessary ballots for voting at said election. [Each election and the registration of voters shall be held and conducted in every respect according to the provisions of the laws governing general elections so far as they may be applicable.]

Amended,
S.L. 1959,
ch. 838,
§ 1

Sec. 7. The terms of office of all members of the Trustees of Asheboro Graded School District shall terminate at the beginning of the terms of office of the original members elected to the Board of Education of Asheboro City Administrative Unit.

Sec. 8. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of March, 1957.

1959— CHAPTER 838

AN ACT TO AMEND CHAPTER 35 OF THE SESSION LAWS OF 1957 RELATING TO THE ELECTION OF MEMBERS OF THE BOARD OF EDUCATION OF THE ASHEBORO CITY ADMINISTRATIVE UNIT.

The General Assembly of North Carolina do enact:

Section 1. Chapter 35 of the Session Laws of 1957 is hereby amended as follows: By striking from Section 6 of said Act the last sentence thereof beginning on line 7 with the word "Each" and ending on line 9 with the word "applicable" and substituting therefor the following sentence: "Each election and registration of voters—including the notice of election, the dates of registration, the date of election, the date for challenging ballots, the place of registration, polling places, registrars and judges—shall be held and conducted in every respect according to the provisions of the laws governing Asheboro municipal elections so far as they may be applicable."

Sec. 2. This Act shall apply only to the County of Randolph.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

1969 CHAPTER 172

AN ACT TO ELIMINATE THE REQUIREMENT THAT NOT LESS THAN TWO MEMBERS OF THE BOARD OF EDUCATION OF THE ASHEBORO CITY ADMINISTRATIVE UNIT RESIDE IN TERRITORY OUTSIDE THE CITY OF ASHEBORO.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 35 of the Session Laws of 1957 is hereby amended by striking out the last sentence thereof, beginning on line three with the word "not" and ending on line four.

Sec. 2. Section 2 of Chapter 35 of the Session Laws of 1957 is hereby amended by striking out the fourth sentence thereof, beginning on line seven with the word "Each" and ending on line eleven.

Sec. 3. Section 4 of Chapter 35 of the Session Laws of 1957 is amended by striking out the first sentence thereof, beginning on line one and ending on line four with the word "territory".

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1969.

ASHEVILLE

1901—Chapter 100.

AN ACT TO AMEND, REVISE AND CONSOLIDATE THE STATUTES THAT CONSTITUTE THE CHARTER OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

* * *

School committee.

How divided.

Tenure.

Proviso.

Sec. 104. That there shall be appointed by the Board of Aldermen of the city of Asheville at their first regular meeting in June, nineteen hundred and one, a school committee of the city of Asheville, which shall be non-partisan, and consist of six members, who shall be citizens of Asheville, and four of whom shall consist of the present members of said school committee as now constituted, whose terms of office do not expire on that date. The said school committee shall be divided by said Board of Aldermen, at the time of their appointment, into three classes of two each. The term of office of the first class shall expire at the end of two years from the date of their appointment, and the term of office of the second class shall expire at the end of four years from their appointment, and the term of office of the third class shall expire at the end of six years from said date: *Provided, however*, nothing herein contained shall be construed to affect in any way the term of office of any member of said school committee as constituted at the date of the passage of this act. Whenever the term of office of any class shall expire, as above provided, their successors shall be appointed for a term of six years by said Board of Aldermen; and whenever any vacancy occurs in said committee except by the expiration of the term of office, such vacancy for the unexpired term of the member or members shall be filled by the Board of Aldermen. The school committee of said city shall have exclusive control of the public schools, and all public school interest and all public school property, real or personal, in said city; shall prescribe all rules and regulations for the conduct of said schools; the control of said interest; of the government of said property; shall employ and fix the compensation of all such officers and teachers of the public schools therein as to it shall seem proper, and remove or change the same in its discretion; shall prescribe the time for which such officers and teachers shall be employed from time to time, and the times and places at which such schools shall be kept open and conducted; shall designate the character of such schools respectively, and shall do all other acts necessary for the proper conduct or management, government, regulation and control of said public schools, public school interest and public school property: *Provided*, that no person connected with said city schools as committeeman, officer, teacher or otherwise, shall accept employment in any manner, or be interested in any way in the business of any publisher, person or book concern, publishing or selling or dealing in school books, school supplies or school furniture; any person violating this provision shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars, or imprisoned not less than sixty days, and such conviction shall *ipso facto* work a forfeiture of any office or position held by said offender in said schools in said city, and such offender shall be forever disabled from holding any office or position in any manner connected with said city school. Said committee shall receive no compensation for their services, but shall be exempt from jury service. **Duties.**

School children. SEC. 105. All children who are *bona fide* residents of said city between the age of six years and twenty-one years, shall be admitted into said school as pupils therein, free of tuition charges, and said school committee shall be the exclusive judge of the *bona fides* of such residence.

Schools, how conducted. SEC. 106. Said schools shall be separated and kept separate in such manner that only white children shall be admitted to the white schools, and other children to other schools, and the said school committee shall be the exclusive judges of whether or not any applicant for admission to any of said schools is entitled to enter or attend the same under the provisions of this section.

Money for educational purposes. SEC. 107. The school committee provided for by this act shall apportion the money raised or received for educational purposes in the city of Asheville as shall be just to the white and other races, without discrimination in favor of or to the prejudice of either race, due regard being paid to the cost of keeping up and maintaining the different schools for the different races.

School tax. SEC. 108. Said Board of Aldermen shall lay annually and cause to be collected by the City Tax Collector, in addition to the taxes otherwise provided for, and under the same rules and regulations as general poll and property taxes provided for by law are collected, a special educational tax in said city not to exceed thirty cents on the one hundred dollars valuation of property, and ninety cents on the poll, for the purpose of maintaining and supporting said schools.[ ]

Amended, (insertion) Pr. L 1915, ch. 388, § 1

How collected.

Sec. 109. The taxes laid and collected for educational purposes as aforesaid, shall be applied, under such rules and regulations as such school committee shall prescribe, exclusively to the support and maintenance of the public schools in said city; and said funds shall be kept separate from all other funds belonging to said city. But said school committee shall not be required to use said school funds for the purpose of erecting new school buildings, making addition to the ones now owned by said city, or furnishing said school buildings with heating apparatus, or making any other permanent improvements of like kind and nature to said school property, beyond the ordinary wear and tear of the same, nor for paying fire insurance on said school property, but such new buildings, additions, improvements and insurance shall be provided by the said Board of Aldermen out of the general funds of said city, or otherwise, as said board shall determine.

School money. Treasurer of school fund. How signed. Proviso. Bond required.

Sec. 110. The money which shall from time to time be apportioned under the general school law of this State to the public schools in said city, and any money to which the said public schools may be entitled by reason of any special tax, gift, grant, apportionment or otherwise, shall be received by the Treasurer of the city of Asheville, who shall be *ex officio* the treasurer of the said school committee, and whose receipts for such moneys shall constitute a sufficient voucher for such payment in the hands of any person paying the same; and the said treasurer shall report monthly to the said school committee his receipts and disbursements, with all vouchers for the same. The money received as aforesaid shall be held by the Treasurer as a separate fund to be disposed of under the direction of the said school committee, whose warrants, signed by the chairman and countersigned by the secretary of said committee, shall be the only valid vouchers in the hands of the said treasurer for the disbursement of said money in any settlement required of him by law. The said treasurer shall furnish annually to the Board of Aldermen a statement in writing of his receipts and disbursements of the school money, duly audited and approved by the chairman and secretary of the school committee: *Provided*, that accounts, books and vouchers of the said treasurer shall, at all times, be open for the inspection of the said school committee, or any other citizen of the city of Asheville. The bond now required of the Treasurer of the city of Asheville for the faithful discharge of his duties as such, shall be in a sufficient sum to include the amount received under this act, independent of the amount of such bond to secure the other funds of the city which may come into his hands. The said Treasurer shall receive as compensation for the services to be rendered by him under this act such sums as the Board of Aldermen of the said city may prescribe, not exceeding one per cent on the amount of taxes levied and collected for the school purposes in said city.

Report to be made.

School committee a body corporate.

Powers of school committee.

SEC. 111. That said school committee shall make to the Board of Aldermen of the said city annually, at such times as is required under the general school law of the State, a report containing an accurate census of the school population of said city, showing the work done and money expended under their direction in the city of Asheville on account of the public schools therein, a copy of which report shall be forwarded by the secretary of the same committee to the Superintendent of Public Instruction of this State, and a copy to the Superintendent of Public Instruction of the county of Buncombe. The school committee hereby created shall be a body corporate by the name and style of the school committee of the city of Asheville, and by that name shall exercise all the powers and authority conferred upon them, and perform all the duties required of them for the purpose of carrying out the full extent and meaning of this act. The officers of said committee shall consist of a chairman, a secretary, and such other officers as they may deem necessary. Said corporation shall have a corporate seal, which it may alter or change at pleasure. That said school committee shall not have power to transfer, sell, mortgage or convey any of the property, real or personal, now held or hereafter to be held by the city of Asheville for school purposes, and shall not contract any debts in any fiscal year, as fixed by the charter of said city, in excess of the amount of the school funds received, or to be received, by the Treasurer of said city, for school purposes in such fiscal year.

School property the property of the city.

How managed.

SEC. 112. All the lands, lots, buildings, grounds, fixtures, appurtenances, real estate, property rights, credits, rights of action and effects now belonging to the school committee of the city of Asheville, or now existing in favor thereof, or which may result from any existing matters, causes, circumstances or contingencies shall, immediately upon the ratification of this act, become and be absolutely the rights and property of the city of Asheville; and said city is hereby authorized and empowered to prosecute, manage and defend any and all actions now pending or which may be hereafter instituted or pend in any of the Courts of this State or of the United States, or of any other State or Territory, in reference to any such property or rights; but said city shall not be liable or responsible for any debt, contract, obligation or other liability of said "the school committee of the city of Asheville" beyond the sum it shall actually realize and receive from the transfer of the lands, lots, buildings, grounds, fixtures, appurtenances, real estate, property rights, credits, rights of action and effects provided for in this section.

Title to said property in whom.

SEC. 113. Said city shall be capable of holding all the property and rights of every kind mentioned in the preceding section in fee-simple, or otherwise, and of receiving gifts and grants in fee-simple, or otherwise, of any and all other kinds of property for said school purposes, and of purchasing, acquiring and holding in fee-simple, or otherwise, both real and personal estate for said purposes; and may, with the concurrence of said school committee, sell or convey in fee-simple, or otherwise, any such property, whether real or personal, and apply the proceeds thereof to such purposes or in the acquirement and purchase of other property therefor, but shall not have power to mortgage the same or transfer the same by way of securing any debt or liability.

1915—Chapter 388.

AN ACT TO PROVIDE A BUILDING FUND FOR THE PUBLIC SCHOOLS OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

Special tax.

Rate.

Purpose.

Fund kept separate.

Section 1. That section one hundred and eight of chapter one hundred of the Private Laws of one thousand nine hundred and one be amended by adding thereto the following: "In addition thereto there shall be levied annually by the board of aldermen or other governing authority, and collected by the city tax collector of said city, a further special tax of five cents on the one hundred dollars valuation of property and fifteen cents on the poll, for the purpose of making repairs and additions to school buildings now owned by said city or which may hereafter be erected from time to time as wear and tear or the demands of the schools may require, and also for furnishing said school buildings from time to time with necessary apparatus and equipment, and in making any other improvements of like kind and nature to said school property; and also for erecting new school buildings when in the judgment of said board of aldermen or other governing authority of said city the same shall be required for the purpose of the public schools of said city, provided the funds derived from said source shall be sufficient for that purpose. Said funds shall be kept separate from the educational funds hereinbefore provided for and from all other funds belonging to said city, and shall be disbursed under the direction of said board of aldermen or other governing authority for the purposes herein provided."

Proposition to be submitted to voters.

Regular or special election.

Call of special election.

Notice.

Ballots.

Law governing elections.

Count and return of votes.

Sec. 2. That said taxes shall be levied only in the event that the majority of the qualified voters of the said city of Asheville at an election held for such purpose shall be in favor thereof, which proposition shall be submitted to the qualified voters of said city at the regular city election to be held in said city on the fourth day of May, one thousand nine hundred and fifteen, or at any subsequent regular election, or at any special election held at any time thereafter, which special election may be called at any time by the board of aldermen or other governing authority of said city, by posting notices thereof for thirty days at the front doors of the city hall and county courthouse and by publishing such notice once a week for four successive weeks in some newspaper published in the city of Asheville, at any of which said elections those voting in favor thereof shall cast ballots in a box provided for that purpose with the words written or printed thereon, "For School Building Funds," and those opposed to said levy shall cast ballots with the words written or printed thereon, "Against School Building Funds." Any special election held under the authority of this act shall be held under the same rules and regulations as regular elections for the election of a mayor and board of aldermen. The judges and registrars of election shall count all said ballots and make return thereof to the board of canvassers in the same manner as is provided in the case of regular city elections.

Canvass of returns.

which board shall canvass, judicially determine, and declare the result.

Sec. 3. That all laws inconsistent and in conflict with this act are hereby repealed.

Sec. 4. That this act shall be in force from and after its ratification.

Ratified this 9th day of March, A. D. 1915.

1929—Chapter 205

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

. . .

Surrender of present special charter school district to Buncombe County Board of Education.

Present district to become local tax district.

School committeemen named.

Terms of office.

Appointment of successors.

Employment of school superintendent at salary not to exceed $6000.

Sec. 10. That if the corporate limits of the City of Asheville shall be extended by said election as herein provided, then it shall be the duty of the City of Asheville after the date of said election and before the thirtieth day of June, one thousand nine hundred twenty-nine, to surrender the control of the present City of Asheville Special Charter School District and shall surrender the same to the board of education of Buncombe County, under the provisions of section one hundred fifty-seven of chapter one hundred thirty-six, Public Laws of one thousand nine hundred twenty-three, and the present special charter district of the City of Asheville shall become a local tax district and shall be governed by the board of education of Buncombe County, except as herein provided, as all other local tax districts in Buncombe County are governed, *provided*, that said local tax district shall have a board of school committeemen of seven members, and W. Vance Brown, W. M. Smathers, R. H. McDuffie, Mrs. W. E. Logan, Mrs. Eugene Gudger, Ben H. Evans and the mayor of the City of Asheville, are hereby appointed as members of said board of school committeemen, and shall hold office until the first Monday in April, one thousand nine hundred thirty-one, and their successors shall be appointed by the governing body of the City of Asheville for a period of two years. The mayor of Asheville shall be ex-officio chairman of said board and shall have one vote like the other members of said board. The said school committeemen hereby appointed are authorized to employ a superintendent for the public schools of the local tax district, and fix the compensation of his office, said compensation, however, not to exceed the sum of six thousand dollars per year. The public school system of the Asheville local tax district shall be under the supervision and control of the superintendent and the board of school committeemen herein appointed, it being intended by this section to direct that the present standard of education in the public schools of the City of Asheville shall be maintained. Said board of school committeemen, upon nomination of the superintendent of schools, is hereby authorized and empowered to employ all teachers for said Asheville local tax district and other necessary assistants, and fix the compensation therefor.

Employment of teachers.

1931—CHAPTER 149

AN ACT PROVIDING FOR THE APPOINTMENT OF A SCHOOL BOARD FOR THE ASHEVILLE LOCAL TAX SCHOOL DISTRICT AND DEFINING ITS POWERS AND DUTIES.

The General Assembly of North Carolina do enact:

Ch. 205, Private Laws 1929, amended.

SECTION 1. That section ten, chapter two hundred and five, Private Laws of the General Assembly of one thousand nine hundred and twenty-nine, entitled "An Act to extend the corporate limits of the City of Asheville," be and it is hereby re-enacted and declared to be in full force and effect as modified in this Act.

Asheville Local Tax School District.

Limits and boundaries.

SEC. 2. That the Asheville Local Tax School District as set out in section ten, chapter two hundred and five of the Private Laws of one thousand nine hundred and twenty-nine be and remain as a local tax district known and designated as the "Asheville Local Tax School District" and its lines and boundaries shall be and remain the same as now existing according to law and more particularly described and set out in section three, chapter sixteen of the Private Laws of the General Assembly passed at its session in one thousand nine hundred and twenty-three, being the exact limits and boundaries of the City of Asheville prior to the extension thereof at the session of the General Assembly in one thousand nine hundred and twenty-nine.

Creation of Asheville School Board.

Amended, S.L. 1947, ch. 255, § 1

Personnel.

Term of office.

SEC. 3. [That said Asheville Local Tax School District shall have a Board of Committeemen known and designated as the "Asheville School Board" composed of seven members, and Vance Brown, W. B. Schorr, Mrs. R. A. Little, Mrs. Eugene Gudger and R. H. McDuffie, George F. Baier, and Julius Martin be and they are hereby appointed as members of said Asheville School Board, whose term of office shall begin on the first Monday in April, one thousand nine hundred and thirty-one, and they shall hold office as such until their successors are elected or appointed and qualified as hereinafter provided.]

Control over school property.

SEC. 4. That said Asheville School Board shall have the control and custody of all the school buildings located in the Asheville Local School District with power and authority to repair the buildings, make additions to and alterations thereof, replace or erect new buildings if the funds are available, and otherwise care for the property and employ and fix the compensation of all the employees that are necessary for the proper maintenance, repair and care of said school buildings and school property.

Acquisition of additional school property.

SEC. 5. If at any time said Board believes it is for the best interest and welfare of the schools of said District that additional property shall be acquired for the proper conduct of any of the existing schools in said District or that property shall be purchased or otherwise acquired for the erection of new school buildings, then a resolution to that effect may be adopted by said Board and certified to the County Board of Education. Upon the receipt of said resolution the County Board of Education shall proceed to comply therewith in the way and manner provided by law.

Election of school superintendent.

Control over teachers and other employees.

Meeting with Board.

Reports.

Removal.

SEC. 6. That said Asheville School Board shall elect a competent, skilled and expert superintendent of the schools of said District for a period not exceeding four years, and said superintendent of schools during his, or her term of office shall devote his, or her, time and attention exclusively to the management and control of the schools located in said District. Said superintendent shall have the immediate and direct control over all the teachers and other employees of said school system and shall be directly responsible for the efficiency and good management of said schools, and shall meet with the School Board at its regular meeting and make a report, oral or written, as required by said Board, of the work and conduct of said schools together with any recommendations that he, or she may have in regard to the conduct and management thereof; that said superintendent of schools shall be subject to removal from office by said Board for inefficiency or other cause satisfactory to said Board, and such action shall not be subject to appeal.

Election of teachers and employees by Board.

Qualifications of teachers.

Compensation of teachers and other employees.

Removal.

SEC. 7. Said School Board shall, from time to time, as it is necessary elect teachers and employees for the proper conduct of said schools, said teachers so elected to be recommended by the Superintendent of Schools and from a list of such recommendations the said Board shall select the necessary number of teachers and employees. In making said recommendations the Superintendent of Schools shall consider primarily the ability, education, character and efficiency of the persons so recommended and such qualifications shall guide the Superintendent's actions in making said recommendations. If, however, the said Board is unable or refuses to elect from said list of recommendations it shall request the Superintendent, and it shall be his, or her duty to furnish other names. Said Board shall fix the compensation of all teachers and other employees so elected and shall provide by resolution the requirements necessary for the teacher to have to teach in said schools and shall fix the term of their employment in the discretion of the Board. Any teacher or other employee may be removed for inefficiency or other cause satisfactory to said Board at any regular meeting thereof and from the action of said Board there shall be no appeal.

Submission by School Board of budget.

Preparation by superintendent.

SEC. 8. Said School Board shall each year prepare and transmit to the Board of Financial Control if established by law, or otherwise to the Board of County Commissioners, a budget requirement for the next fiscal year for the operation and maintenance of the schools of said district, showing the allocation of the different funds as now required by the school laws of North Carolina. The Superintendent of Schools elected by said board shall be ex-officio secretary thereof and shall keep the minutes, records, financial and otherwise, and correspondence of said Board and as such prepare a tentative budget as above required subject to the approval and adoption by the Board.

Qualifications of those attending schools.

SEC. 9. Persons attending schools in said district shall be bona fide residents thereof and said School Board shall be the exclusive judge of the residence of any person applying for entrance into said schools. However, the School Board may admit non-residents into its schools under such terms and conditions as it may adopt by resolution.

Admission of non-residents.

SEC. 10. [Funds for the support and maintenance of the schools in said Local Tax School District shall be levied and collected as provided by law for the levy and collection of school funds in other local tax districts. When said funds are so levied and collected by the proper collecting officer of the county, said funds shall be turned over to the Treasurer of the City of Asheville or other depository agent designated by the governing body of the City of Asheville by written resolution and said funds shall be held and kept separate from all other funds belonging to said city and shall be applied under such rules and regulations as the Asheville School Board shall prescribe exclusively to the support and maintenance of the public schools in said district. The said treasurer or other school depository shall hold said funds and pay them by voucher duly executed in the way and manner provided by law for the execution of vouchers of the City of Asheville, such vouchers, however, to be issued only upon warrant or order of the School Board. Said warrants or orders of said Board shall be held by said disbursing officer as his valid authority for the payment of school funds.]

Levy and collection of school funds.

Amended,
Pr. L 1933,
ch. 149, § 1

Custodian of funds.

Application of.

Issuance of vouchers.

SEC. 11. [The term of said School Board named in section three hereof shall begin on the first Monday in April, one thousand nine hundred and thirty-one, and shall extend for a period of two years from and after said date, or until their successors are elected and qualified. The governing body of the City of Asheville shall on or before the first Monday in April, one thousand nine hundred and thirty-three, appoint or elect the successors to said Board, two or more of whom shall be women, and all of said board shall be residents of said district and shall be persons known to be in favor of education and interested in the welfare of the schools and shall be appointed or elected with the sole object in view of maintaining the efficiency of the schools of said district and without any partisan prejudice or bias. In case of any vacancy on said Board the same shall be filled by an election by the governing body of the City of Asheville. As soon as practicable after the first Monday of April, one thousand nine hundred and thirty-one, and each biennial year thereafter, said Board shall meet and elect a chairman, who shall preside over the meetings of said Board. A majority of the members of said Board shall constitute a quorum and the chairman or any two members may call a meeting. The members of said Board shall serve without compensation.]

Term of office of newly appointed School Board.

Time of electing successors.

Qualifications.

Amended,
S.L. 1947,
ch. 255, § 2

Vacancy appointments.

Election of chairman.

Quorum.

Members to receive no compensation.

SEC. 12. The Asheville School Board and the Superintendent of Schools shall be vested with full power and authority to change or extend the subjects to be taught in the schools of said local tax district; supervise and provide for the training of teachers for said schools; assign the teachers to the different schools and provide for the individual work and change or remove any grade or class from any school building in said district to another.

Control over curriculum.

Teacher training.

Assignment of teachers to schools.

Allocation of funds for six months term.

Sec. 13. Funds for the support and maintenance of the six months school term in the Asheville Local Tax District shall be apportioned and allocated in the same way and manner that said funds for said term are apportioned and allocated in the other local tax districts as provided by law.

Constitutional parts of Act upheld.

Sec. 14. If any section of this act, or any part thereof be hereafter declared invalid by the Courts of this State, such decree shall not be construed as rendering this entire act invalid, but shall affect only the specific part, article or section involved in the decree.

Conflicting laws repealed.

Sec. 15. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 16. This act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of April, A.D. 1931.

1933—Chapter 149

AN ACT AMENDING CHAPTER 149 OF THE PRIVATE LAWS OF 1931 ENTITLED "AN ACT PROVIDING FOR THE APPOINTMENT OF A SCHOOL BOARD FOR THE ASHEVILLE LOCAL TAX SCHOOL DISTRICT AND DEFINING ITS POWERS AND DUTIES."

The General Assembly of North Carolina do enact:

Ch. 149, Private Laws 1931, amended.

Section 1. That Section ten of Chapter one hundred forty-nine of the Private Laws of one thousand nine hundred and thirty-one is hereby stricken out and the following is inserted in lieu thereof:

Separate school tax for Asheville.

Separate accounting.

No general or special law to prohibit levy.

"Taxes for the support and maintenance of the schools in said local tax school district shall be levied and collected by the same officials as now provided by law, but a separate levy for school purposes shall be made at the time all other taxes are levied, and shall be so set up upon the books of the authorities now charged by law with the duty of levying a school tax for the support and maintenance of the local tax school district of the City of Asheville; also the tax collecting officer charged with the duty of collecting this tax shall set up upon the books this tax separately from the other taxes, and the taxpayers are authorized to pay it separately from the other taxes. Nothing in the General Laws of North Carolina heretofore enacted, or which may be hereafter enacted by the General Assembly of one thousand nine hundred and thirty-three, shall be construed to prohibit the levying and collecting of, within the said Asheville Local Tax School District, special or supplementary taxes in the amount and at the rate heretofore provided by law; and the said Asheville Local Tax School District is hereby specifically authorized to make such levy and collection of such supplementary tax and as an exception to the General Law.

Allocation of proceeds of special tax.

When said funds are so levied and collected by the proper collecting officer of the County, said funds shall be turned over to the Treasurer of the City of Asheville or other depository agent designated by the governing body of the City of Asheville by written resolution, and said funds shall be held and kept separate from all other funds belonging to said City and applied under such rules and regulations as Asheville School Board shall prescribe, exclusively to the support and maintenance of the public schools in said district. The said Treasurer, or other school depository, shall hold said funds and pay them by a voucher, duly executed, in the way and manner provided by law for the execution of vouchers in the City of Asheville, such vouchers, however, to be issued only upon warrant or order of the School Board. Said warrants or orders of said Board shall be held by said disbursing officer as his validated authority for the payment of school funds."

Execution of vouchers on funds.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 27th day of April, A.D. 1933.

1947—CHAPTER 255

AN ACT RELATIVE TO THE APPOINTMENT OF A SCHOOL BOARD FOR THE ASHEVILLE LOCAL TAX SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 3 of Chapter 149 of the Private Laws of 1931, Chapter 125 of the Private Laws of 1935, Chapter 114 of the Public-Local Laws of 1937, Section 1 of Chapter 85 of the Public-Local Laws of 1939, and Section 2 of Chapter 260 of the Public-Local Laws of 1941, be, and the same are hereby, amended so as to read as follows:

Ch. 149. Private Laws, 1931; Ch. 125. Private Laws, 1935; Ch. 114, Public-Local Laws, 1937; Ch. 85, Public-Local Laws, 1939; and Ch. 260, Public-Local Laws, 1941, amended.

That said Asheville Local Tax School District shall have a board of committeemen, known and designated as the Asheville School Board, composed of five members, and that Dr. Westbrook Murphy, Mrs. Frank Bell, Beaman Pinner, Gene Ochsenreiter, and Pierce Henderson, be, and they are hereby, appointed as members of said Asheville School Board, whose term of office shall begin on the first day of April, 1947, and they shall hold office as such until their successors are duly elected, or appointed, and qualified, as provided by law.

Designation of Asheville School Board.

Members.

Terms of office.

SEC. 2. That Section 11 of Chapter 149 of the Private Laws of 1931, as the same has been amended by Section 1 of Chapter 260 of the Public-Local Laws of 1941, be and the same is hereby further amended so as to read as follows:

Ch. 149, Private Laws, 1931, further amended.

[The term of said school board named in Section 3 shall begin on the first day of April, 1947, and shall extend for a period of two years from and after said date or until their successors are elected and qualified. The governing body of the City of Asheville shall during the month of March, 1949, and in each biennial year thereafter, appoint the successors to said board, who shall serve for a period of two years from and after the first day of April in the year in which they are appointed or until their successors are appointed and qualified as provided by law.] All members of said board shall be residents of the City of Ashe-

Term of office of newly appointed Board.

Appointment of successors.

Amended,
S.L. 1953,
ch. 745, § 1

Qualifications of members.

ville and shall be persons known to be in favor of public education and interested in the welfare of the schools and shall be appointed by the governing body of the City of Asheville with the sole object in view of maintaining the efficiency of the schools of said district and without any partisan prejudice or bias. If any vacancy in the membership of said board occurs by reason of death or resignation or otherwise the governing body of the City of Asheville shall fill the same by appointment. As soon as practicable after the first day of April, 1947, and each biennial year thereafter, said board shall meet and elect a chairman, who shall preside over the meetings of said board. A majority of the members of said board shall constitute a quorum and the chairman or any two members may call a meeting. The members of the board shall serve without compensation.

Vacancy appointments.

Election of chairman.

Quorum.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1947.

1951—CHAPTER 164

AN ACT TO AUTHORIZE THE CONVEYANCE OF CERTAIN SCHOOL PROPERTY, NOW HELD BY THE BOARD OF EDUCATION OF BUNCOMBE COUNTY FOR THE ASHEVILLE SCHOOL BOARD, TO THE SAID SCHOOL BOARD.

The General Assembly of North Carolina do enact:

Section 1. The title to all public school property in the Asheville City Administrative School Unit shall vest in the Asheville School Board; and the Board of Education of Buncombe County is hereby authorized and directed to execute good and sufficient deeds to convey to the Asheville School Board all school property and all interests therein, situated within said administrative school unit, the legal title to which school property now vests in the Board of Education of Buncombe County for the use and benefit of the Asheville School Board or the Public Schools of the City of Asheville; and the title to all public school property hereafter acquired within said unit shall be taken in the name of the Asheville School Board.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1951.

1953—CHAPTER 745

AN ACT AMENDING CHAPTER 255, SESSION LAWS OF 1947 RELATIVE TO THE APPOINTMENT AND TERMS OF OFFICE OF MEMBERS OF THE SCHOOL BOARD FOR THE ASHEVILLE ADMINISTRATIVE SCHOOL UNIT.

The General Assembly of North Carolina do enact:

Section 1. That Section 2 of Chapter 255 of the 1947 Session Laws of North Carolina, be and the same is hereby amended by striking out all of lines 5 to 13, inclusive, and inserting in lieu thereof, the following:

"The governing body of the City of Asheville shall during the month of March, 1953, and in March of each biennial year thereafter, appoint the successors to said board, who shall serve for a period of six years from and after the first day of April in the year in which they are appointed and qualified as provided by law; provided, however, that of the members appointed in 1953 two shall be appointed for a term of six years, two shall be appointed for a term of four years, and one shall be appointed for a term of two years from and after the first day of April, 1953, or until their respective successors are appointed and qualified as provided by law."

Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. That this shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of April, 1953.

BURLINGTON

1921—CHAPTER 81

AN ACT TO ENABLE THE CITY OF BURLINGTON TO RAISE AND APPROPRIATE MONEY FOR SCHOOL PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That in the manner and subject to the limitations now or hereafter provided by the Constitution and laws of the State, the city of Burlington may, from time to time, raise and appropriate money for erecting, enlarging, altering, repairing, and equipping school buildings, and acquiring land or land and buildings for school purposes.

Power to raise and appropriate money.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Repealing clause.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 19th day of December, A.D. 1921.

1939—CHAPTER 441

AN ACT TO PROVIDE FOR THE SYSTEMATIC RETIREMENT OF THE MEMBERS OF THE BOARD OF EDUCATION OF BURLINGTON CITY ADMINISTRATIVE SCHOOL UNIT AND THE APPOINTMENT OF SUCCESSORS.

The General Assembly of North Carolina do enact:

Board of Education, Burlington City Administrative School Unit.

SECTION 1. That the Board of Education of the Burlington City Administrative School Unit shall consist of seven members, and that the term of office of each member shall be six years.

Terms of members.

SEC. 2. That the term of office of each member of said Board of Education shall begin on the first day of July in the year in which he is appointed and terminate on the thirtieth day of June, six years thereafter.

Successor appointments and terms.

SEC. 3. That on June thirtieth, one thousand nine hundred thirty-nine, the term of office of each present member of said Board of Education shall expire and that the Board of Aldermen of the City of Burlington, shall, at its regular meeting on or next after June first, one thousand nine hundred thirty-nine, appoint seven members of the Board of Education, two of whom shall be retired in two years; two of whom shall be retired in four years; three of whom shall be retired in six years; and that successors to each and all of these shall be appointed according to the provisions of this Act at the regular meeting of the Board of Aldermen of the City of Burlington at its regular meeting on or next after June first each two years hereafter.

Repealed,
S.L. 1963,
ch. 232, § 1

[SEC. 4. That at no time shall more than four members of the Board of Education belong to any one political party]

Construction of Act.

SEC. 5. That nothing in this Act shall be so construed as to prevent the re-appointment of any member of said Board of Education for any number of consecutive terms.

Conflicting laws repealed.

SEC. 6. That all laws and parts of laws inconsistent with this Act are hereby repealed.

SEC. 7. That this Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

1963 CHAPTER 232

AN ACT TO AMEND CHAPTER 441 OF THE PUBLIC-LOCAL LAWS OF 1939 BY STRIKING SECTION 4 THEREOF RELATING TO THE MEMBERSHIP OF THE BOARD OF EDUCATION OF THE BURLINGTON CITY ADMINISTRATIVE SCHOOL UNIT.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 441 of the Public-Local Laws of 1939 is repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of April, 1963.

CHAPEL HILL-CARRBORO

1909—CHAPTER 2

AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN OF CHAPEL HILL.

The General Assembly of North Carolina do enact:

Boundaries of district.

SECTION 1. That all the territory in Chapel Hill Township, Orange County, lying within the following boundaries, to-wit, beginning at the southeast corner of the town of Chapel Hill, as the corporate limits of said town shall be on the first day of April, one thousand nine hundred and nine, and following said town line west to a white oak in said line near the residence of I. W. Pritchard; thence north to College Avenue, to the northwest corner of Louis Utley's lot; thence northeast to the southwest corner of Thomas F. Lloyd's property, on north side of College Avenue; thence north with said T. F. Lloyd's line to the northwest corner of said property; thence east with said T. F. Lloyd's line to the line of C. F. Smith; thence north with said C. F. Smith's line to the northwest corner of said line; thence with said line to Malett Street; thence across Malett Street to the northwest corner of W. B. Thompson's property, on Franklin Street, thence northwest to a point twenty yards west of George Woods' front gate, on Rosemary Street; thence north one hundred yards; thence east, parallel with Rosemary Street, to west line of the town of Chapel Hill; thence south with said line to the beginning, shall be and is hereby constituted a public graded-school district, to be known and designated as Chapel Hill Graded-school District.

School district established. Name.

Particular tax to be levied.

SEC. 2. That for the purposes of defraying the expenses of the public graded schools provided for in this act [the board of aldermen of the town of Chapel Hill] shall, annually, and at the time of

Superseded,
S.L. 1949,
ch. 919

Rate as recommended by school trustees.

Limits of rate.

levying the municipal taxes, commencing with the fiscal year beginning the first day of June, one thousand nine hundred and nine, levy a particular tax on all subjects of taxation within the limits of said graded-school district on which [said board of aldermen] may now or hereafter be authorized to lay and levy taxes for any purpose whatsoever; said particular tax to be such percentage on all real and personal property and on all other subjects of taxation as the board of graded-school trustees herein provided for shall recommend; the rate in no case, however, to be less than twenty-five nor more than thirty-three and one-third cents on the one hundred dollars valuation of real and personal property and not less than seventy-five cents nor more than one dollar on each taxable poll.

Collection of tax.

Superseded, S.L. 1949, ch. 919

Payments from fund.

Proviso: bonds of treasurer and tax collector.

Compensation.

SEC. 3. That the said special taxes shall be collected by [the tax collector of the town of Chapel Hill] at the time and in the manner that [the municipal taxes] are collected, and said tax collector shall pay the same over to the treasurer of said board of trustees, and the treasurer of said board of trustees shall pay out said taxes and all other funds which may come into his hands for the benefit and use of said graded schools only upon the warrant of said trustees, signed by the chairman and the secretary: *Provided*, that said tax collector and said treasurer shall enter into bond in such amounts as said board of trustees may direct; that of the former conditioned for the faithful collection and paying over of said taxes and other funds that may come into his hands for the benefit and use of said graded schools, and that of the latter for the safe-keeping and proper disbursement of the same. And said tax collector and said treasurer shall be allowed such commission or compensation as the board of trustees may fix.

Trustees named.

Amended, (repeal) Sess. L. 1955 ch. 254, § 7

Terms of office.

Successors.

Proviso: vacancies.

Meeting and organization.

[SEC. 4. That C. H. Herty, W. A. Temple, J. D. Webb, W. S. Roberson, R. A. Eubanks and N. W. Walker shall be and are hereby constituted a board of graded-school trustees for Chapel Hill Graded-school District; that the first two of said trustees shall hold office until the thirtieth day of June, one thousand nine hundred and fifteen; the second two, until the thirtieth day of June, one thousand nine hundred and thirteen; the last two until the thirtieth day of June, one thousand nine hundred and eleven; and their successors, elected as hereinafter provided, shall hold office for the term of six years each. The vacancies occurring by reason of the expiration of the term of office of the trustees, as aforesaid, shall be filled by a majority vote of the other members of the board of trustees holding over, acting in conjunction with the mayor and aldermen of the town of Chapel Hill; and for the purpose of filling such vacancies the said members of the board of trustees and the board of aldermen shall meet in joint session, at the call of the mayor, on the Monday immediately preceding the thirtieth day of June in each year in which any such vacancy is to occur: *Provided*, that any and all vacancies in the board of trustees, occurring by reason of death, resignation or otherwise than by expiration of term of office, shall be filled for the unexpired term by the remaining members of the board. Said board of trustees, immediately after the provisions of this act shall have been submitted to the qualified voters of said graded-school district, as provided in section eleven of this act, and adopted, shall meet and proceed to organize by electing a chairman, a secretary and a treasurer and by adopting such by-laws as they may deem necessary and proper.]

[Sec. 5. That the said board of graded-school trustees and their successors shall be and they are hereby constituted a body corporate by the name and style of the Board of Graded-school Trustees of the Town of Chapel Hill, and by that name may sue and be sued, plead and be impleaded, contract and be contracted with; acquire, by gift, purchase or devise, real and personal property; hold, exchange, mortgage or sell the same, and exercise such other rights and privileges as are incident to other corporations; and said corporation shall have a corporate seal, which it may break and change at pleasure.]

Trustees incorporated.

Corporate name.

Corporate rights.

Amended,
(repeal)
S.L. 1955
ch. 254, §7

Sec. 6. That said board of graded-school trustees shall have exclusive control of all public schools in said school district, free from supervision and control of the county board of education and the County Superintendent of Orange County; shall prescribe rules and regulations, not inconsistent with this act, for their own government and for the government of such schools; they shall have the power to establish and maintain such school or schools as they may deem necessary; shall prescribe the qualifications, employ and fix the compensation of all officers and teachers of said schools; shall cause to be taken, from time to time, in accordance with the general school law of the State, an accurate census of the school district, and shall exercise such other powers as shall be necessary for the successful control and operation of said graded schools.

Control of schools.

Further enumeration of powers.

School census.

Sec. 7. That said board of graded-school trustees are hereby authorized in their discretion to fix a curriculum of studies and to adopt text-books for said graded schools; to provide for instruction, other than that included in the prescribed course, and to admit pupils residing without the limits of said district, upon such terms as the said board of trustees may deem just and reasonable.

Curriculum and text-books.

Nonresident pupils.

Sec. 8. That all persons owning and residing on land lying contiguous to said graded-school district may, for the purposes of this act, list and pay special school taxes, at the same rate as the board of trustees may decide upon for said school district, on the whole of such land, poll and personal property, and that all such persons listing and paying taxes on said land and personal property shall be entitled to the benefits of said schools without further cost: *Provided*, that such persons shall first make application to the graded-school trustees for permanent attachment to said graded-school district.

Owners of contiguous land to participate in taxes and benefits.

Proviso: application for permanent attachment.

Sec. 9. That all the public-school funds derived from the State and the county of Orange for the use and benefit of the public schools in said graded-school district shall be paid over to the treasurer of the board of trustees by the treasurer of said county, for the use and benefit of the public graded schools in the said graded-school district; and the property, both real and personal, of the school district embraced within the limits designated in section one of this act shall become the property of said graded-school district, and the title thereto shall be vested in the said board of trustees in trust therefor.

Apportionment from general school funds.

Property vested in trustees.

Sec. 10. That it shall be the duty of the said board of graded-school trustees to make to the State Superintendent of Public Instruction, at the close of each school year, full statistical and financial reports of the graded schools of said districts, and dupli-

Reports.

cate copies of said report shall be furnished to the Superintendent of Schools of Orange County.

Date for election.

Box to be provided.

Ballots.

SEC. 11. That an election shall be held on the first Tuesday in May, one thousand nine hundred and nine, at the time and place and under the same regulations as for the election of Mayor and Board of Aldermen of Chapel Hill, at which election a box shall be provided, in which the qualified voters of said school district may vote on the provisions of this act. Those qualified voters approving the provisions of this act shall deposit a ballot containing the written or printed words "For Schools," and those disapproving the same shall deposit a ballot containing the written or printed words "Against Schools"; and if a majority of the qualified voters shall be "For Schools" it shall be deemed and held that a majority of the qualified voters of said school district are in favor of the provisions of this act, and the same shall immediately be in full force and effect. And for the proper conduct of said election the registrar and poll holders provided by the charter of Chapel Hill for its regular elections shall act as the registrar and poll holders for said election: *Provided*, that the results of said election, duly ascertained in accordance with law, shall be enrolled among the public records of the town of Chapel Hill: *Provided further*, that the board of graded-school trustees provided for in this act shall give thirty days' notice of said election by publishing in some newspaper published in Chapel Hill and by posting in two public places in said school district a notice of same, which shall contain a synopsis of section two of this act: *Provided, also*, that a new registration of the qualified voters of said graded-school district shall be required for the purposes of said special-tax election, said registration to be conducted in accordance with the requirements of the charter of the town of Chapel Hill.

Registrar and poll holders.

Proviso: enrollment of result.

Proviso: notice of election.

Proviso: new registration.

SEC. 12. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 13. That this act shall be in force from and after its ratification.

Ratified this the 26th day of February, A. D. 1909.

1949—CHAPTER 919

AN ACT TRANSFERRING THE DUTIES AND RESPONSIBILITIES OF LEVYING AND COLLECTING TAXES IN THE CHAPEL HILL CITY ADMINISTRATIVE UNIT FROM THE GOVERNING BODY OF THE TOWN OF CHAPEL HILL TO THE BOARD OF COMMISSIONERS OF ORANGE COUNTY.

The General Assembly of North Carolina do enact:

Chapel Hill City Administrative Unit, transfer of authority for levy and collection of school taxes.

SECTION 1. All of the powers, duties and responsibilities now imposed by law on the Governing Body of the Town of Chapel Hill to levy and collect school taxes in the Chapel Hill City Administrative Unit are transferred to and are vested in the Board of County Commissioners of Orange County.

Collection of unpaid 1948 taxes.

SEC. 2. The Governing Body of the Town of Chapel Hill shall collect all unpaid school taxes levied in said city administrative unit for the tax year 1948 and prior years and account for the same in the same manner and respect as prior to the passage of this Act. Beginning with the taxable year 1949 the Board of Commissioners of Orange County shall have the same power, duty and responsibility to levy and collect school taxes authorized in the Chapel Hill City Administrative Unit as are imposed upon and vested in the Governing Body of the Town of Chapel Hill prior to the passage of this Act and shall account for said taxes in the same manner and respect as heretofore required of the Governing Body of said Town of Chapel Hill.

Levy and collection of taxes by Orange County Board of Commissioners.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1949.

1955—CHAPTER 254

AN ACT PROVIDING FOR THE ELECTION OF THE MEMBERS OF THE CHAPEL HILL CITY BOARD OF EDUCATION, FIXING THEIR TERMS OF OFFICE AND PROVIDING FOR FILLING VACANCIES IN SUCH OFFICE.

The General Assembly of North Carolina do enact:

Section 1. [That the governing body of the Chapel Hill Administrative School Unit shall be a board of education designated as "The Chapel Hill City Board of Education."] Said board shall be a corporate body and in its corporate name may sue and be sued, contract and be contracted with, acquire by gift, purchase or devise, real and personal property, and exercise such other rights and privileges as similar boards of education in the State of North Carolina may exercise.

Amended,
S.L. 1971,
ch.127 §1

[Sec. 2. The present members of the Board of Trustees of the Chapel Hill Administrative School Unit shall continue in office and shall constitute the governing body of said Administrative School Unit until their present terms expire. The successors to the present board of trustees shall be elected by the people in the manner hereinafter provided in this Act. At the first election held under the provisions of this Act, the successors to the two members whose terms expire on June 30, 1955 shall be elected for a term of six years. Thereafter, the successors to the two members whose terms expire on June 30 of odd numbered years shall be elected for a term of six years, beginning on the 1st day of July following their election.]

Amended,
(deleted)
S.L. 1959,
ch. 100, §1

Sec. 3. The members of the [Chapel Hill City Board of Education] shall be elected biennially at the same time the municipal officers are chosen for the Town of Chapel Hill, such election to be conducted under the supervision of the County Board of Elections of Orange County. Said board of elections is hereby authorized to divide the [Chapel Hill Administrative School Unit] into election precincts if necessary and to perform all other functions essential to the calling and supervising the election of members of said board of education. The County Board of Elections is authorized to designate the registrar and judges of election of the Town of Chapel Hill as the registrar and judges of election for members of said board of education and to provide for a separate ballot for the election of the members of said board of education. The County Board of Elections is

Amended,
S.L. 1971,
ch.422

authorized to call for a registration of all eligible voters of Orange County living outside the town limits of Chapel Hill, but within the area of the [Chapel Hill Administrative School Unit] for the purposes of said election, and to conduct within said area elections for membership on said board of education provided for in this Act. All persons eligible to vote for members of the governing body of the Town of Chapel Hill shall be eligible to vote for members of the [Chapel Hill City Board of Education].

mended,
.L. 1971,
h.127

Sec. 4. All candidates for membership on the [Chapel Hill City Board of Education] shall be qualified electors of Orange County residing within the [Chapel Hill Administrative School Unit].

Sec. 5. Vacancies occurring on said board of education by reason of death, resignation, or otherwise than by the expiration of the term of office, shall be filled by appointment of the remaining members of said board, said appointees to serve until June 30th following the next biennial election, at which time successors shall be elected to serve the remainder of the unexpired term.

Sec. 6. At the first regular meeting of said board of education, after the qualification of new members, said board shall organize by electing from among its membership a chairman who shall serve for a term of two years, and a treasurer who need not necessarily be a member of said board, and by adopting such by-laws as said board may deem necessary and proper.

Sec. 7. All laws and clauses of laws, including Chapter 2, Private Laws of 1909, inconsistent with the provisions of this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1955.

1959—CHAPTER 100

AN ACT TO INCREASE THE NUMBER OF MEMBERS ON THE CHAPEL HILL CITY BOARD OF EDUCATION FROM SIX TO SEVEN.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 254 of the Session Laws of 1955 is hereby deleted and the following substituted in lieu thereof:

"Sec. 2. The present members of the Chapel Hill City Board of Education shall constitute the governing body of the Chapel Hill Administrative School Unit through June 30, 1959. Beginning on July 1, 1959, the board shall be composed of seven members, elected by the qualified voters as hereinafter specified. At the election on May 5, 1959, and at every third biennial election thereafter three members shall be elected for terms of six years to begin on July 1 following their election. At all other biennial elections two members shall be elected for six year terms, to begin on July 1 following their election. The four present members of the board whose terms extend beyond June 30, 1959, shall serve until the expiration of their respective present terms."

Sec. 2. This Act shall not invalidate any notice of election, notice to candidates, or notice of registration and challenge procedures heretofore given preliminary to the May 5, 1959, election, except insofar as such notice specified that only two persons are to be elected to the board. The Orange County Board of Elections shall cause to be published once each week for two weeks following ratification of this Act, in some newspaper

of general circulation in the Chapel Hill Administrative School Unit and the Carrboro School Attendance Area, a notice that three persons, rather than two, are to be elected to the board at the May 5, 1959, election. Such notice may be published separately or combined with any other notice published by the board; and in either event such notice shall be conclusively presumed to be sufficient notice of the fact that three persons will be elected to the board.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1959.

1971 - CHAPTER 127

AN ACT TO AMEND CHAPTER 254 OF THE SESSION LAWS OF 1955 AS IT RELATES TO THE DESIGNATION OF THE CHAPEL HILL CITY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 254 of the Session Laws of 1955 is hereby amended by striking out the first sentence thereof and inserting in lieu thereof the following sentence:

"The governing body of The Chapel Hill Administrative School Unit shall be a Board of Education designated as 'The Chapel Hill-Carrboro City Board of Education'."

Sec. 2. Chapter 254 of the 1955 Session Laws is hereby further amended by deleting the words "The Chapel Hill City Board of Education" wherever they appear and by inserting in lieu thereof the words, "The Chapel Hill-Carrboro City Board of Education".

Sec. 3. Chapter 254 of the 1955 Session Laws is hereby amended by deleting wherever they occur the words "The Chapel Hill Administrative School Unit" and by inserting in lieu thereof the words, "The Chapel Hill-Carrboro Administrative School Unit".

Sec. 4. All references in the Session Laws to "The Chapel Hill Administrative School Unit" and to "The Chapel Hill City School Board" are hereby deleted. Inserted in lieu thereof in their respective places are the terms, "The Chapel Hill-Carrboro Administrative School Unit" and "The Chapel Hill-Carrboro City School Board."

Sec. 5. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 29th day of March, 1971.

CLINTON

1903—CHAPTER 457.

AN ACT TO ESTABLISH A GRADED SCHOOL IN THE TOWN OF CLINTON, SAMPSON COUNTY, NORTH CAROLINA

The General Assembly of North Carolina do enact:

SECTION 1. That all the territory embraced within the corporate limits of the town of Clinton, Sampson County, shall be and is hereby constituted a public school district for white and colored.

Graded school district.

SEC. 2. That the Board of Commissioners of Sampson County are hereby authorized to submit to the qualified voters of said school district within three months after the ratification of this act, under such rules and regulations as they prescribe, the question whether an annual tax shall be levied therein for the support of graded public schools for white and colored in said district; each voter shall vote a written or printed ballot without device the words "For Schools," if in favor of levying said tax, and those who are opposed to levying said tax shall vote on written or printed ballot without device the words "Against Schools." The penalties for illegal and fraudulent voting in this election shall be the same as in the election for members of the General Assembly. The County Commissioners shall give at least thirty days' notice of the time of holding said election in the newspaper published in said school district.

Election.

Ballots.

Notice of election.

SEC. 3. That if the inspectors of said election shall certify that a majority of the votes cast are in favor of said tax the same shall be levied by the County Commissioners and collected by the Sheriff under the same rules and regulations under which other school taxes are levied and collected, and the Sheriff shall be subject to the same liabilities for the collections and disbursement of said taxes as

Levy and collection of special tax.

Compensation of sheriff.
Proviso, tax rate.
Establishment of graded schools.
School age.
Application of proceeds of special tax.

he is or may be for other school taxes, and he shall receive as compensation for such service one per centum commission: *Provided*, that special taxes so levied and collected shall not exceed fifty cents on the one hundred dollars valuation of property and one dollar and fifty cents on the poll. That the school committee whose appointment is hereinafter provided for shall establish graded schools in said district for the white and for the colored children between the ages of six and twenty-one years, and the school for each race herein provided for shall have the same length of school terms, and the tax levied and collected under the provision of this act shall be applied exclusively for the establishment and maintenance of said schools, and shall not be appropriated or expended for any other purpose.

School committee.
Election.
Term of office.

SEC. 4. That the school committee of said district shall consist of six members instead of three, as required by the school law, and shall be elected in the following manner: Each voter at the time of the general election hereinbefore provided for, shall write upon his ballot the name of six citizens, resident in said school district, who shall be his choice for said committee, who shall be divided into three classes of two each; the two citizens securing highest number of votes at said election shall constitute the first class and their term of office shall expire at the end of six years from the first day of July, nineteen hundred and three, and the two citizens securing the next highest number of votes at said election shall constitute the second class and their term of office shall expire at the end of four years from the first day of July, nineteen hundred and three, and the two citizens securing the next highest number of votes shall constitute the third class and their term of office shall expire at the end of two years from the first day of July, nineteen hundred and three. Whenever the terms of office of any class shall expire as above provided, their successors shall be selected and appointed by the said committee for a term of six years, and whenever any vacancy occurs in said committee, except by the expiration of the terms of office, the vacancy for the unexpired term of the member or members shall be filled by said committee.

School committee to have exclusive control.
Teachers.
School census.
Proviso, school age, admission of pupils.

SEC. 5. That the school committee provided for by this act shall have entire and exclusive control of the public school interests and property in said district; shall prescribe rules and regulations for their own government not inconsistent with the provisions of this act; shall employ and fix the compensation of officers and teachers of said public or graded schools, subject to removal by the said committee; shall make an accurate census of the school population of the district annually as required by the general school law of the State, and do all other acts that may be just and lawful to manage the public school interest in said district: *Provided*, that all children resident in said school district between the ages of six and twenty-one years shall be admitted into said schools free tuition charges, and those desiring to be admitted into said school as pay students may be admitted upon such terms as committee may direct.

Superintendent.

SEC. 6. That the school committee created under this act shall elect annually a superintendent of schools, established under this act, who shall be the principal of the graded schools for the white chil-

Duties.

dren, if the same shall be established; and the said superintendent shall examine all applicants for teachers' positions in said schools and issue certificates to the same, which certificates shall be valid for one year from the date thereof, and do and perform such other duties as may be prescribed by said committee.

Apportionment of school funds.

County treasurer to be treasurer of school committee.

Custody and disbursement of funds.

Treasurer's reports.

SEC. 7. That the per capita part of the school funds of the county raised under the general school laws of the State and apportioned to said public school districts, and moneys to which the said district may be entitled by reason of any special tax, gift, grant, apportionment or otherwise, shall be received by the Treasurer of the county of Sampson, North Carolina, who shall be *ex officio* treasurer of said school committee. The moneys received as aforesaid shall be held by the treasurer as a separate fund to be disposed of under the direction of the aforesaid school committee, whose warrants, signed by the chairman and countersigned by the secretary of said committee, shall be the only valid vouchers in the hands of the said treasurer for the disbursement of said money in any settlement required of him by law; the said treasurer shall furnish annually to the County Board of Education a statement in writing of his receipts and disbursements of the school money for said district, properly and duly credited and approved by the chairman and secretary of the School Committee: *Provided,* the accounts, books and vouchers of the said treasurer shall be open for the inspection of the School Committee at any time.

Bond of treasurer.

Compensation of treasurer.

SEC. 8. The bond of the treasurer of the county now required to protect the public school funds of the county in his hands shall be an amount sufficient to include double the amount received under this act, independent of the amount to secure other funds which may come into his hands. The said treasurer shall receive as compensation a commission of not exceeding one (1) per centum on the funds received from the special taxes levied, collected and disbursed under this act.

Apportionment of school funds.

SEC. 9. The school committee provided for by this act shall apportion the money raised or secured for educational purposes in said district as shall be just to the white and colored races, without discrimination in favor of or to the prejudice of either race, due regard being paid to the cost of keeping up and maintaining the public schools of both races.

Report of school committee.

SEC. 10. That the committee aforesaid shall make to the Board of Education, at such times as is required under the school law of the State, a report containing an accurate census of the school population of the district, showing the work done and the money expended under their direction in the district on account of public schools therein, a copy of which report shall be forwarded to the State Superintendent of Public Instruction and a copy to the Superintendent of Public Instruction in the county of Sampson. The beginning and ending of the school year shall be fixed by the committee.

School committee created a body corporate.
Corporate name.
Corporate powers.

SEC. 11. The school committee hereby created shall be a body corporate by the name and style of the "School Committee of the Town of Clinton," and by that name shall be capable of receiving gifts and grants, of purchasing and holding real and personal estate, of selling, mortgaging and transferring the same for school purposes, of prosecuting and defending suits for or against the corporations hereby created; conveyances to said school committee shall be to them and their successors in office, and all deeds, mortgages and other agreements affecting real estate shall be deemed sufficiently executed when signed by the chairman, one member of the committee and the secretary thereof.

Conflicting laws repealed.

SEC. 12. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 13. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 5th day of March, 1903.

CONCORD

1891.—CHAPTER 285.

An act to establish graded schools in the town of Concord, North Carolina.

The General Assembly of North Carolina do enact:

Election on question of graded school in Concord.

SECTION 1. That the board of commissioners for the town of Concord, Cabarrus county, shall, on the first Monday of the month of May next ensuing, submit to the qualified voters of said town the question of establishing graded schools in said town, and shall give thirty days' notice of said election in the newspapers published in said town.

Notice of election

Election, how and when held.

SEC. 2. That said election shall be held by the inspectors and judges hereafter to be appointed by said board of commissioners to hold the election for mayor and commissioners as provided in the charter of said town on said first Monday of May next, and the qualified voters of said town shall vote at said election tickets on which shall be written or printed the words "For school" or "Against school," and on said tickets "For school" shall be written or printed the names of four persons, one from each ward of said town, and also the names of two other persons who shall represent said town at large, and said votes shall be canvassed in the manner provided in the charter of said town for canvassing the votes for mayor and commissioners; and said six persons who shall receive the highest number of votes cast at said election shall constitute the board of school commissioners, and shall have the care and direction in all things pertaining to the establishment and control of said graded schools, and shall be a body corporate under the name of the "Graded School Board," with power to sue, to be sued, to plead and be impleaded for all the purposes of this act, and said election for said

Ballots.

Board of school commissioners.

Body corporate.

Corporate name.

Corporate powers.

school commissioners shall be held annually thereafter in the manner prescribed in this section.

Special tax.

Amended, P.L. 1901, ch. 195, § 1

SEC. 3. That if a majority of said qualified voters shall vote at said election in favor of establishing said graded schools, it shall be the duty of the board of commissioners for said town, and their successors, to levy annually a special tax not exceeding [twenty] cents on the hundred dollars' valuation of all the taxable property of said town and upon the poll not exceeding [sixty] cents, and said tax shall be collected annually by the tax-collector as other taxes are collected.

Taxes to be paid over to town treasurer, &c.

Duties of treasurer.

Amended, (repeal) S.L. 1947, ch. 607, § 1

[SEC. 4. That said taxes shall be paid over by the tax-collector of said town, after deducting a commission of two and one-half per centum for the collection of the same, to the treasurer of said town, which officers shall give sufficient bonds, the former for the collection and the latter for the safe keeping and proper disbursement of said special taxes and other funds that may come into his hands for the use of said graded schools, and said treasurer shall keep said funds separate and apart from all other moneys, and shall pay out the same only upon the warrant or order, for the use of said graded school, signed by a majority of said board of school commissioners and countersigned by the mayor of said town.]

Application of public school funds.

Property of public school districts, how vested, &c.

Proviso.

Proviso.

SEC. 5. That all public school funds derived from the state and said county for the use and benefit of the public school districts of said town shall be paid to said town treasurer by the treasurer of said county for the use and benefit of said graded schools; and the property, both real and personal, of said public school districts shall become the property of said graded schools and shall be vested in the said "graded school board" in trust for said graded schools, and the said "graded school board" may sell the same and apply the proceeds to said graded schools: *Provided*, that in the event of the discontinuance of said graded schools, all of the property thereto belonging shall revert to and become the property of said public school districts of said town: *Provided further*, that the said property belonging to or used for the graded schools for white children shall revert to the public school districts for white children, and said property belonging to or used for the graded schools for colored children shall revert to the public school districts for colored children.

School commissioners to establish white and colored graded schools. Apportionment of funds.

SEC. 6. That it shall be the duty of said board of school commissioners to establish a graded school for white children and one for the colored children of said town, and apportion the funds derived from said special taxes, or from any other source whatsoever, between said graded schools for white and colored children, so as to equalize school facilities between the two races.

Appropriation for school buildings if town commissioners issue bonds.

SEC. 7. That in the event of the issue of bonds during the present or succeeding year by the board of commissioners for said town by legislative authority or otherwise, it shall be the duty of said board to appropriate out of the proceeds of the sale of said bonds the sum of thirty-five hundred dollars to be applied to the erection of suitable buildings for graded schools, under the direction [of] said board of school commissioners.

Annual reports.

SEC. 8. That it shall be the duty of said board of school commissioners to make annually a full and complete report of the operations of said graded schools, together with such reports as are required by the general law from school commissioners, to the mayor and commissioners of said town, and publish the same in the newspapers published in said town.

SEC. 9. That this act shall be in force from and after its ratification.
Ratified the 4th day of March, A. D. 1891.

1899.—CHAPTER 430.

An act to amend the charter of the Concord graded school.

The General Assembly of North Carolina do enact:

[SECTION 1. That at the election next ensuing for graded school commissioners at the same time the aldermen and mayor for the town of Concord are elected there shall be elected by the qualified voters of said town six school commissioners, residents of said town, one from each ward and two at large, three of whom shall hold their office for two years and three for a term of four years, and every two years after said election there shall be elected in like manner three school commissioners, who shall hold their office for a term of four years and till their successors are elected and qualified.]

Election of school commissioners in town of Concord.

Repealed,
S.L. 1947,
ch. 606, § 1

SEC. 2. Whenever a vacancy shall occur in said school board by death, resignation or otherwise the school board shall have power to fill the same.

Vacancies occurring in said board.

SEC. 3. That so much of section four of said act as requires the mayor to countersign the warrants or orders of said school board is hereby repealed, and the treasurer of the town of Concord may pay out moneys in his hands belonging to the school fund on order or warrant, signed in the name of the "graded school board" by the chairman in his own proper signature, after first having been ordered and audited by said board at a regular or called meeting of the same.

Portion of section 4 repealed.

SEC. 4. That said "graded school board" in addition to the powers already conferred upon them shall have the right to make and adopt any rules, regulations or by-laws for the government or management of said school that they shall deem proper, not inconsistent with this act, and change the same at their will and pleasure.

Additional powers conferred on board

SEC. 5. That chapter ninety-one of the public laws, eighteen hundred and ninety-five, and other acts inconsistent with this act, be and the same are hereby repealed.

Chapter 91, public laws of 1895, repealed.

[SEC. 6. That the six school commissioners elected at the election in May, eighteen hundred and ninety-nine, shall cast lots among themselves to determine who of their number shall hold office for two years and who of their number for a term of four years.]

Term of office.

Repealed,
S.L. 1947,
ch. 606, § 1

[SEC. 7.] This act shall be in force from and after its ratification.
Ratified the 6th day of March, A. D. 1899.

1901—CHAPTER 195

An act to amend Chapter two hundred and eighty-five, Public Laws of eighteen hundred and ninety-one.

The General Assembly of North Carolina do enact:

SECTION 1. That the act entitled "An Act to establish Graded Schools in the Town of Concord, North Carolina," ratified the

Chapter 285, Public Laws 1891, amended.

Amended, Pr.L. 1913, ch. 62, § 1

4th day of March, A. D. 1891, it being chapter 285, Public Laws of 1891, be and the same is hereby amended, subject to the provisions of section two (2) of this act, as follows: Strike out the word "twenty" in line four of section three (3) and insert in lieu thereof the word ["thirty;"] and strike out the word "sixty" in line six of said section and insert instead thereof the word ["ninety."]

Amendments to be submitted to voters, when.

Form of ballots.

Separate ballot-box.

Effect of election on duties of Commissioner.

SEC. 2. That this act shall be submitted to the qualified voters of said town for adoption at any election held under the act entitled "An Act to Authorize the Commissioners for the Town of Concord, to Issue Bonds," ratified the 25th day of January, A. D. 1901, and the act supplemental thereto; and such qualified voters who favor the adoption of this act shall vote a ticket upon which is written or printed the words "For Amendment," and those who are opposed shall vote a ticket upon which is written or printed the words "Against Amendment;" and for the purpose of said election, it shall be the duty of the Commissioners for the town of Concord to provide a box at each voting precinct in said town, separate and distinct from the box in which are to be deposited the tickets or ballots provided for in said act ratified 25th day of January, A. D. 1901, and the act supplemental thereto. And if a majority of qualified voters shall vote "For Amendment" and also "For Bonds" at said election then it shall be the duty of the Commissioners for the town of Concord to levy annually thereafter the taxes provided for in said section three (3) as herein amended.

SEC. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1901.

1913—CHAPTER 62

AN ACT TO AMEND CHAPTER 195, PUBLIC LAWS OF NORTH CAROLINA, SESSION 1901.

The General Assembly of North Carolina do enact:

School tax rate.

SECTION 1. That the act entitled "An act to amend chapter two hundred and eighty-five, Public Laws of eighteen hundred and ninety-one," ratified on the eighteenth day of February, A. D. one thousand nine hundred and one, it being chapter one hundred and ninety-five, Public Laws of North Carolina, session one thousand nine hundred and one, be and the same is hereby amended, subject to the provisions of section two (2) of this act, as follows: Strike out the word "thirty," in line seven of section one (1), and insert in lieu thereof the word "forty"; and strike out the word "ninety," in line nine of said section, and insert instead thereof the words "one dollar and twenty."

Act submitted to election.

Time of election.

Special election.

SEC. 2. That this act shall be in force in the event that a majority of the qualified voters of the city of Concord at an election held for such purpose shall be in favor thereof, which proposition shall be submitted to the qualified voters of said city at the regular city election to be held in said city on Tuesday after the first Monday in May, one thousand nine hundred and thirteen, or at any special election held at any time thereafter, which special election may be called at any time by the mayor and the board of aldermen of said city, by publishing a notice thereof once a week for four successive weeks in some newspaper published in the city of Concord, at any of which said elections those voting in favor thereof shall cast ballots in a box provided for that purpose with the words, written or printed thereon, "For School Tax," and those opposed to said issue shall cast ballots with the words, written or printed thereon, "Against School Tax." Any special election held under the authority of this act shall be under the same rules and regulations as regular elections for the election of a mayor and board of aldermen. The judges and registrars of elections shall count all said ballots and make return thereof to the board of canvassers in the same manner as is provided in the case of regular city election, which board shall canvass, judicially determine, and declare the result.

Notice.

Ballot box and ballots.

Law governing special election.

Count and return of votes.

Canvass of returns.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 17th day of February, A. D. 1913.

1947—CHAPTER 606

AN ACT TO AMEND CHAPTER 430 OF THE PUBLIC LAWS OF NORTH CAROLINA, SESSION 1899, RELATING TO THE CHARTER OF THE CONCORD GRADED SCHOOL.

The General Assembly of North Carolina do enact:

SECTION 1. Section 1 and amendments thereto, and Section 6 of Chapter 430 of the Private Laws of North Carolina, Session 1899, are hereby repealed.

Sec. 1, as amended; Sec. 6; Ch. 430, Public Laws, 1899, repealed, as to election and term, school commissioners, Concord.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

1947—CHAPTER 607

AN ACT TO AMEND CHAPTER 285 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION 1891, RELATING TO GRADED SCHOOLS IN CONCORD, CABARRUS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section 4 of Chapter 285 of the Private Laws of North Carolina, Session 1891, is hereby repealed.

Sec. 4, Ch. 285, Private Laws, 1891, repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

1947—CHAPTER 716

AN ACT RELATING TO CHAPTER 344 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION OF 1907, AS AMENDED, THE SAME BEING THE CHARTER OF THE CITY OF CONCORD.

The General Assembly of North Carolina do enact:

Election of School Commissioners.

Amended, S.L. 1969, ch. 71, § 1

SEC. 3. At the election next ensuing for graded school commissioners at the same time the Aldermen and Mayor for the City of Concord are elected, there shall be elected by the qualified voters of said town six school commissioners, residents of said town, one from each ward and one at large, to serve for terms of four years.

Employment of school superintendent and teachers.

SEC. 4. The said board of school commissioners shall have the right to employ a superintendent and all the teachers of the public schools of said city, fix their salaries, and do any and all things pertaining to the welfare and operation of the public schools of said city.

1949—CHAPTER 416

AN ACT AUTHORIZING THE GRADED SCHOOL BOARD OF THE CITY OF CONCORD TO APPOINT ITS OWN TREASURER AND TO ADMINISTER LOCAL SCHOOL FUNDS.

The General Assembly of North Carolina do enact:

City of Concord, administration of school funds by Graded School Board.

Appointment and bond of treasurer.

SECTION 1. The Graded School Board of the City of Concord Administrative School Unit shall have the power and authority, in its discretion, to designate, prescribe and control the method by which funds levied and collected by the City of Concord for the school fund shall be handled, and shall further be empowered to designate a treasurer of the board. The treasurer so designated shall enter into bond in such amount and with sureties satisfactory to said board, and the official charged with the collection of taxes for the City of Concord shall turn over to such treasurer all moneys collected for and due the School Fund of the City of Concord Administrative School Unit.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1949.

1969 CHAPTER 71

AN ACT TO AMEND CHAPTER 716, SESSION LAWS OF 1947, RELATING TO THE NOMINATION AND ELECTION OF THE MEMBERS OF THE CONCORD CITY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 716, Session Laws of 1947, is hereby rewritten to read as follows:

"Sec. 3. At the election next ensuing for election of Aldermen and Mayor for the City of Concord, and biennially thereafter, there shall be elected by the qualified voters of the City of Concord on a non-partisan basis the members of the Concord City Board of Education. Said Board membership shall consist of the number equal to the number of wards in the City of Concord at the time of the nomination of said members plus one additional member who shall be designated as the member-at-large. Each member, except said member-at-large, shall be a resident of each existing ward.

"The majority, and if there be an even number, at least one-half of the candidates, including the member-at-large, receiving the largest number of votes shall be declared elected for a term of four years. The remaining candidates receiving the next largest number of votes shall be declared elected for a term of two years. Thereafter, biennially, there shall be elected members of the Concord City Board of Education to succeed the members whose terms next expire, and all terms of office shall thereafter be for a term of four years.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1969.

DURHAM

1887.—Chapter 86.

An act in relation to the public schools in the town of Durham.

The General Assembly of North Carolina do enact:

Section 1. The board of commissioners of the town of Durham shall and they are hereby authorized to submit to the qualified voters of said town, under such rules and regulations and at such time within six months after the ratification of this act as the said commissioners may prescribe, whether a tax shall be annually levied therein for the support of the schools in said town provided for by this act. At the election held under the provisions of this act those who favor the levying of such tax shall vote on written or printed ballots without device the words, "For School," and those who are opposed to the levying of such tax shall vote on written or printed ballots without device the words, "Against School." The penalties for illegal and fraudulent voting in this election shall be the same as in the annual elections for mayor and commissioners of the town of Durham. The commissioners shall give thirty days' notice of the time of holding said election in one or more newspapers published in the town.

Election upon question of tax for support of schools in Durham.

Ballots.

Penalty for illegal, &c., voting.

Notice of election.

Inspectors of election to certify result, &c.

Tax to be levied on majority vote.

How levied and collected.

Proviso.

Application of tax.

SEC. 2. The inspectors of said election shall on the day following the election certify the number of votes cast and counted for and against school to the commissioners of said town, who shall proceed to declare at once the result of the election. And if a majority of the votes cast shall be in favor of such tax, the same shall be levied and collected by the town authorities under the same rules and regulations under which other town taxes are levied and collected; and the tax-collector shall be subject to the same liabilities for the collection and disbursement of said tax as he is or may be for other town taxes: *Provided*, the special taxes so levied and collected shall not be less than sixteen and two-third cents on the one hundred dollars' valuation of property and fifty cents on the poll, nor exceed twenty cents on the one hundred dollars' valuation of property and sixty cents on the poll. The taxes levied and collected under the provisions of this act shall be applied exclusively to the support and maintenance of the public schools in the town of Durham, and the school committee, whose appointment is hereinafter provided for, may establish one or more graded public schools in the town of Durham; and the taxes levied and collected under this act shall not be appropriated or expended for any other purpose.

Town of Durham constituted a public school district.

SEC. 3. For the purposes and benefits of this act the town of Durham shall be and constitute a public school district for both white and colored in the county of Durham.

School committee.

Amended,
S.L. 1955,
ch. 553, § 1

How appointed.

erms of office

SEC. 4. If this act shall be ratified at the election authorized to be held under it, the school committee of the town of Durham shall consist of six members instead of three as now required by the general school law of the state, to be appointed by the commissioners of the town of Durham at their next regular meeting held after the election provided for in this act. [The said school committee shall be divided by the said commissioners at the time of their appointment into three classes of two each. The term of office of the first class shall expire at the end of two years from the date of this appointment, and the term of office of the second class shall expire at the end of four years from said time of appointment, and the term of office of the third class shall expire at the end of six years from said time. Wherever the term of office of any class shall expire as above provided, their successors shall be appointed for a term of six years by the said commissioners. Whenever any vacancy occurs in said committee except by expiration of the term of office, the vacancy for the unexpired term of the member or members shall be filled by the said committee]

Vacancies.

SEC. 5. That the school committee provided by this act shall have entire and exclusive control of the public school interests and property in the town of Durham, shall prescribe rules and regulations for their own government, not inconsistent with the provisions of this act, shall employ and fix the compensation of officers and teachers of the public schools or graded public schools annually, subject to removal by the said committee, shall make an accurate census of the school population of the town as required by the general school law of the state, and do all other acts that may be just and lawful to conduct and manage the public school interests in said town: *Provided*, all children resident in the town of Durham, between the ages of six and twenty-one years, shall be admitted into said schools free of tuition charges.

Powers and duties of school committee.

What children entitled to free tuition.

SEC. 6. The school committee created by this act may elect annually a superintendent of the schools established under this act, who shall be the principal of the graded school for white children, if the same shall be established. The said superintendent shall examine all applicants for teachers' positions in the said schools, and issue certificates to the same, and shall do and perform such other duties as may be prescribed by said school committee.

Superintendent of schools.

Duties.

SEC. 7. The moneys which shall from time to time be apportioned under the general school law of the state to the Durham public school district, and any moneys to which the said district may be entitled by reason of any special tax, gift, grant, apportionment or otherwise, shall be received by the treasurer of the town of Durham, who shall be *ex-officio* treasurer of the said school committee and whose receipt for such moneys shall constitute a sufficient voucher of such payment in the hands of any person paying the same, and the said treasurer shall report monthly to the said school committee his receipts and disbursements with all vouchers for the same. The moneys received as aforesaid shall be held by the treasurer as a separate fund to be disposed of under the direc-

Money apportioned under general school law to Durham school district, how applied, &c.

Town treasurer to be treasurer of school committee.

Duties of treasurer.

tion of the aforesaid school committee, whose warrants signed by the chairman and countersigned by the secretary of said committee shall be the only valid vouchers in the hands of said treasurer for the disbursement of said money in any settlement required of him by law. The said treasurer shall furnish annually to the board of town commissioners a statement in writing of his receipts and disbursements of the school money properly and duly audited and approved by the chairman and secretary of the school committee: *Provided*, the accounts, books and vouchers of the said treasurer shall be open for the inspection of the said school committee at any time.

Proviso.

Bond of treasurer.

SEC. 8. The bond now required of the treasurer of the town to protect public funds of the town in his hands shall be an amount sufficient to include double the amount received under this act, independent of the amount to secure other funds which may come into his hands. The said treasurer shall receive as compensation a commission of two per centum on the funds received from special taxes levied and collected under this act and disbursed.

Compensation.

School committee to make just apportionment between white and colored schools.

SEC. 9. The school committee provided for by this act shall apportion the money raised or received for educational purposes in the town of Durham, as shall be just to the white and colored races, without discrimination in favor of or prejudice to either race, due regard being paid to the cost of keeping up and maintaining the public schools of both races. And the committee created by this act shall perform the duties and have all the powers that the graded school committee had under an act entitled "an act to authorize the town of Durham to issue bonds," being chapter eighty-seven, private laws eighteen hundred and eighty-five, ratified by the general assembly of North Carolina the seventh day of March, eighteen hundred and eighty-five.

Powers and duties of committee.

School committee to make annual report, &c.

SEC. 10. That the said committee shall make to the board of town commissioners annually, at the same time as is required under the school laws of the state, a report containing an accurate census of the school population of the town, showing the work done and money expended under their direction in the town of Durham, on account of public schools therein, a copy of which report shall be forwarded to the superintendent of public instruction in the state, and a copy to the superintendent of public instruction in the county of Durham. The beginning and ending of the school year shall be fixed by the committee.

School year.

School committee a body corporate.

Corporate name.

Corporate powers.

Sec. 11. The school committee hereby created shall be a body corporate by the name and style of "The School Committee of the town of Durham, Durham county," and by that name shall be capable of receiving gifts and grants, of purchasing and holding real and personal estate, of selling, mortgaging and transferring the same for school purposes, of prosecuting and defending suits for or against the corporation hereby created. Conveyances to said school committee shall be to them and their successors in office, and all deeds, mortgages and other agreements affecting real estate shall be deemed sufficiently executed when signed by the chairman, one member of the committee and the secretary thereof and the seal of the corporation affixed thereto. The corporation shall have a corporate seal, which it may break and alter at pleasure.

Corporate seal.

Sec. 12. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

Sec. 13. This act shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 22d day of February, A. D. 1887.

1955—CHAPTER 553

AN ACT TO AMEND CHAPTER 86, PUBLIC LAWS OF 1887 RELATING TO ELECTION OF MEMBERS OF BOARD OF TRUSTEES OF DURHAM SPECIAL CHARTER SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That Section 4 of Chapter 86 Public Laws of 1887 be and the said Section is hereby amended by striking out all of the language of said Section 4 following the first sentence thereof, and after the first sentence inserting the following words and figures in lieu of the language so stricken, to wit:

"The said school committee or Board of Trustees shall be divided by the governing body of the City of Durham into two classes of three each. The appointments to said Board of Trustees to be made by the said governing body for terms beginning April 5, 1955, shall be one person a term of two years and one person for a term of four years[.]In 1957 and thereafter the governing body of said city shall appoint three members to said board of Trustees each two years for terms of four years. [The terms of office of the incumbent members of said Board of Trustees shall not be affected by this Act.] Whenever any vacancy occurs in said committee

Amended,
S.L. 1957,
ch.297, §1
and §2

or Board of Trustees, the vacancy for the unexpired term of the member shall be filled by the governing body of said City of Durham."

Sec. 2. All laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1955.

1957—CHAPTER 297

AN ACT TO AMEND CHAPTER 553 OF THE SESSION LAWS OF 1955 AMENDING CHAPTER 86 OF THE PUBLIC LAWS OF 1887 RELATING TO THE TERMS OF OFFICE OF MEMBERS OF THE BOARD OF TRUSTEES OF DURHAM SPECIAL CHARTER SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 553 of the Session Laws of 1955 is hereby amended by substituting a colon for the period following the words "four years" and immediately preceding the word and figures "in 1957" appearing in line ten thereof, and by inserting the following after such colon:

"Provided, that the terms of office of incumbent members of said Board of Trustees is hereby extended from April fifth to midnight on the thirtieth day of June, following, and from and after the ratification of this Act, the terms of members of said Board of Trustees shall begin on the first day of July instead of in April."

Sec. 2. Section 1 of Chapter 553 of the Session Laws of 1955 is further amended by striking out of said Section the language reading as follows:

"The terms of office of the incumbent members of said Board of Trustees shall not be affected by this Act."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1957.

EDEN

1929–CHAPTER 57

AN ACT TO INCORPORATE THE LEAKSVILLE TOWNSHIP PUBLIC SCHOOL DISTRICT, TO CREATE A BOARD OF TRUSTEES WITH POWERS AND DUTIES INCIDENT TO THE OPERATION OF THE SCHOOLS OF THE DISTRICT IN ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

Leaksville Public School District incorporated.

SECTION 1. That the public school district in Rockingham County, known as the Leaksville Township Public School District, be, and the same is hereby incorporated and created a body politic with the powers, authorities and duties hereinafter set forth to be exercised and performed by the Leaksville Township Public School District trustees and the following are hereby appointed to serve until their successors are elected in the manner hereinafter provided to wit: L. W. Clark, Karl Bishopric, A. E. Millner, G. P. Dillard, and C. C. Campbell.

Trustees named

Constituted body politic.

SEC. 2. That the said board of trustees and their successors in office are hereby constituted a body corporate, and shall be known by the name and style of "The board of trustees of the Leaksville Township Public School District," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire by gift, purchase or devise real and personal property, to hold and exchange, and to sell the same, and exercise such rights, functions and privileges as are allowed by the General School Law of North Carolina, and as are necessary and incident to the performance of their duties hereinafter set forth, and shall have a corporate seal which it may alter or change at pleasure.

Boundaries of District.

SEC. 3. The boundaries of the Leaksville Township Public School District are as follows: Beginning at Dan River on the Virginia State line; thence with the Virginia State line in a westerly direction to the eastern line of the special school tax district known as Matrimony School District, the same being School District Number One in Price Township; thence in a southerly direction with the line of the said Matrimony Special School Tax District to the line of the former special school tax district number six in Leaksville Township known as the Holland School District, thence with the line of the said Holland School District to Buffalo Creek; thence down Buffalo Creek to the Leaksville Township line; thence with the Leaksville Township line to Dan River; thence down Dan River to the beginning, the same being the public school district laid out and established by the board of education of Rockingham County during the year of nineteen hundred and twenty-one as set forth in the minutes of the said board of education.

Powers of District Committeemen.

Powers and duties of District Trustees.

SEC. 4. That all rights, benefits, privileges, powers, and duties which now reside in the district through its committeemen shall remain with the district, and furthermore that all rights, benefits, privileges, powers, and duties that may in the future be granted the public schools in North Carolina shall not be abridged nor withholden from the district by this act. It is further provided that the following powers and duties are hereby granted and imposed upon the aforesaid trustees, and authorization for the performance and execution of the said powers and duties is hereby granted and imposed upon the said trustees of the said Leaksville Township Public School District, and their successors in office, to wit:

To maintain public school system.

(a) To establish and maintain within the district as far as means will permit a complete and adequate system of elementary and secondary schools for both white and negro races, such as will meet the standards and recommendations for the public elementary and secondary schools in North Carolina as now are, or as may be established hereafter, by the State Department of Education.

To hire all employees and servants.

(b) To employ a superintendent, principals, teachers and other officials and employees, including an executive secretary, as may be deemed advisable, fix their compensation and order their salaries paid in accordance with the public school law of North Carolina, and to dismiss such employees in accordance with the provisions of the law.

To provide for special instruction.

(c) To provide and maintain, as means may permit or necessity require, special instruction for delinquent or defective children, kindergartens, evening schools, vocational education, and such other educational instruction and facilities as the said board of trustees may deem advisable.

To acquire land for school purposes.

(d) To have power to acquire land for school purposes by purchase of condemnation under the general school law of the State, or under the general law for condemnation of property as set forth in chapter thirty-three of the Consolidated Statutes of North Carolina, entitled "Eminent Domain."

(e) To adopt and enforce, for the conduct of the schools, rules and regulations not inconsistent with law, and the rules and regulations of the State Board of Education.

Eminent domain.

To make rules and regulations.

(f) To have such other powers and functions as may be assigned to them in the future by act of the General Assembly, or by rule or regulation of the State Board of Education made in conformity with the law.

Anticipated powers and duties.

SEC. 5. That the said board of trustees shall appoint a treasurer, who may or may not be a member of the said board, who shall be custodian of all funds, and shall be bonded for such an amount as may be deemed necessary or advisable by the said board of trustees. The said treasurer shall make such financial reports to the said board of trustees as the said board of trustees may require.

To appoint a Treasurer.

Bond.

Financial reports.

SEC. 6. That the said board of trustees of the Leaksville Township Public School District shall submit annually, as is provided by law, to the board of education of Rockingham County, who in turn shall transmit the same to the board of commissioners of Rockingham County, complete budgets for the next fiscal year. It shall be mandatory upon the said board of commissioners to levy upon all property, both real and personal, within the said Leaksville Township Public School District, such rate of tax as will yield the amount of revenue requested in said budgets; *provided*, such rate does not exceed the rate fixed by law and authorized by the vote of the people of the said district. All special or district taxes for the Leaksville Township Public School District shall be levied and collected in the same way and manner as the special or local district taxes in any special, or local tax district in the county, but upon collection shall be turned over by the sheriff to the treasurer of the Leaksville Township Public School District.

To submit annual budgets.

Special tax.

Collection of special tax.

SEC. 7. That all special tax rates that now prevail in the Leaksville Township Public School District shall continue in full force and effect, and shall not be annulled by any provision of this act, and shall be levied and taxes collected in accordance with the requirements and requests of the board of trustees of the said Leaksville Township Public School District as may be set forth in their annual budgets.

Present special tax rates retained.

SEC. 8. That for the purpose of holding special tax elections, bond elections, or elections for increasing the special or local tax rate in the district, it is hereby provided that the trustees of the Leaksville Township Public School District may proceed in the same way and manner as now, or as may be provided hereafter, for any local tax district, or as is or may be provided hereafter for special charter districts, or by special act of the General Assembly of North Carolina, and upon the successful culmination of any and all such elections the said board of trustees of the Leaksville Township Public School District shall assume all powers, duties, privileges and responsibilities pursuant thereto as is or may be provided hereafter by law for trustees of special charter districts. It is further provided that the trustees of the said district may proceed with elections for increasing the local tax of the said district as is provided for in chapter one hundred and forty-three, section two, Public Laws

Provision for special elections.

Increasing local tax.

Issuance of bonds. **Petition for bond elections.**

of one thousand nine hundred and twenty-five, and may also proceed with elections for authorizing the issuing and selling of bonds as is provided for in chapter one hundred and nine, section one, Public Laws of one thousand nine hundred and twenty-seven, or as is provided for in any other section or sections of the Public Laws. The board of trustees of the Leaksville Township Public School District are hereby granted the power and authority to petition for said elections, and the board of commissioners of Rockingham County are hereby granted the power and authority to act as the principal governing body, wth authority to call, hold, and determine, the results of the said elections.

School property to be transferred to Trustees. **Trustees to assume outstanding indebtedness.**

SEC. 9. That all public school property within the area of the Leaksville Township Public School District now held in fee simple by the board of education of Rockingham County may be transferred to the said board of trustees of the Leaksville Township Public School District, by the said board of education, to be held, used, or disposed of, by the said board of trustees as in its discretion the best educational interests of the district may demand. The said trustees of the said district shall assume the responsibility for the payment of any outstanding indebtedness against any school property so transferred to it, unless the said board of education of Rockingham County and the County Commissioners of the said county voluntarily agree to assume the payment of said indebtedness.

Section 10 rewritten by Sess. L. 1951, ch. 557, §1

Provision for amendment of charter.

SEC. 11. That this charter may be amended by act of the General Assembly of North Carolina.

Conflicting laws repealed.

SEC. 12. That all laws and clauses of laws, in conflict with this act are hereby repealed.

Valid parts of act to be upheld.

SEC. 13. Should any section or part of this act be declared unconstitutional or invalid by court decision, such invalidity shall not operate to render the act as a whole invalid nor shall it apply to any section or part save that considered in the decision.

Act effective after present fiscal year.

SEC. 14. That this act shall be in full force and effect from and after its ratification; *provided, however*, that the operation and financing of the schools of the district shall continue for the current fiscal year as they are now constituted.

Ratified this the 28th day of February, A.D. 1929.

1951—CHAPTER 557

AN ACT TO AMEND CHAPTER 57 OF THE PRIVATE LAWS OF 1929 AS THE SAME RELATES TO THE SELECTION OF TRUSTEES FOR THE LEAKSVILLE TOWNSHIP PUBLIC SCHOOL DISTRICT IN ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 10 of Chapter 57 of the Private Laws of 1929 is hereby rewritten to read as follows:

"Sec. 10. That the following men are hereby appointed trustees of the Leaksville Township Public School District, and their terms of office shall expire as indicated herewith: L. W. Clark, term expiring the first Monday in April, one thousand nine hundred and thirty; Karl Bishopric, term expiring the first Monday in April, one thousand nine hundred and thirty-one; A. S. Millner, term expiring the first Monday in April, one thousand nine hundred and thirty-two; G. P. Dillard, term expiring the first Monday in April, one thousand nine hundred and thirty-three; C. C. Campbell, term expiring the first Monday in April, one thousand nine hundred and thirty-four.

"When a vacancy on the said board of trustees shall occur, due to resignation, death, or other causes than the expiration of the regular term of office, said vacancy shall be filled by appointment, said appointee to be named by the remaining members of the said board of trustees, to hold office until his successor, elected as herein provided, shall take office.

"From and after the first Monday in December, 1952, the Board of Trustees of the Leaksville Township Public School District shall be composed of seven (7) trustees to be elected as herein provided.

["At the general election to be held in Leaksville Township in 1952, and quadrennially thereafter, there shall be elected by the voters of Leaksville Township Public School District four (4) trustees for the Leaksville Township Public School District, and at the general election to be held in Leaksville Township in 1954, and quadrennially thereafter, there shall be elected by the voters of the Leaksville Township Public School District three (3) trustees for the Leaksville Township Public School District. The trustees so elected shall take office on the first Monday in December following their election for terms of four (4) years each.]

Amended,
S.L. 1953,
ch. 496,
§ 1

"Each person desiring to become a candidate for the office of trustee for the Leaksville Township Public School District shall file written notice of candidacy with the county board of elections at least sixty (60) days prior to the general election for the election of such trustees. Only qualified electors of Leaksville Township Public School District shall be eligible to become candidates for the office of trustee for the Leaksville Township Public School District, and only qualified electors of said district shall be eligible to hold the said office of trustee.

"The county board of elections shall prepare suitable ballots on which shall be printed the names of candidates for the offices of trustees for the Leaksville Township Public School District, and said ballots shall be sent to the polling places in the Leaksville Township Public School District by the county board of elections as other ballots are sent to the various polling places. The elections provided for herein shall be conducted in the same manner and under the same rules and the returns shall be canvassed and the results declared as are elections for county officers.

"The candidates receiving the highest number of votes shall be declared to be elected to fill the offices, and when there is a tie for any office, the Board of Elections of Rockingham County shall cast one vote for one of the parties and such party shall be declared to be elected.

"The terms of office of the present trustees for the Leaksville Township Public School District that are to expire in 1952 and 1953 are hereby changed so that the same shall expire on the first Monday in December, 1952. The terms of office of the present trustees for the Leaksville Township Public School District that are to expire in 1954 and 1955 are hereby changed so that the same shall expire on the first Monday in December, 1954. The term of office of the trustee for the Leaksville Township Public School District who is to be elected in 1951, is hereby changed so that the same shall expire on the first Monday in December, 1954. The present trustees for the Leaksville Township Public School District shall hold their offices until the expiration date of their terms fixed in this Act."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1951.

1953— CHAPTER 496

AN ACT TO AMEND CHAPTER 557 OF THE SESSION LAWS OF 1951, RELATING TO THE SELECTION OF TRUSTEES FOR THE LEAKSVILLE TOWNSHIP PUBLIC SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. The fourth paragraph of the quoted portion of Section 1 of Chapter 557 of the Session Laws of 1951 is stricken out and the following is substituted in lieu thereof:

"At the general election to be held in Leaksville Township in 1954, there shall be elected by the voters of Leaksville Township Public School District three trustees for said district to fill the three vacancies in office caused by the expiration in December, 1954, of the terms of three encumbents now serving in such capacity. At said election, the three candidates receiving the highest number of votes shall be declared elected and shall serve for terms of six years each and until their successors are elected and qualified. At the general election to be held in Leaksville Township in 1956, there shall be elected by the voters of Leaksville Township Public School District four trustees for said district to fill the vacancies in office caused by the expiration in December, 1956, of the terms of the four encumbents whose terms expire at that time. At said election, the two candidates receiving the highest number of votes shall serve for terms of six years each and the two candidates receiving the next highest number of votes shall serve for two years each. Thereafter, upon the expiration of the terms of office of the trustees elected as herein provided, their successors shall be elected for terms of six years each and until their successors are elected and qualified. Notwithstanding any other provisions of this Act, if at the time of any election there is an area comprising a precinct in Leaksville Township without a representative on the Board of Trustees, the candidate, provided there be one, residing in such precinct, receiving the greatest number of votes from the entire Leaksville Township Public School District shall be declared elected regardless of the number of votes received by any other candidate."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of March, 1953.

ELKIN

1947—Chapter 455

AN ACT TO CREATE AND ESTABLISH THE ELKIN CITY ADMINISTRATIVE UNIT AND TO PROVIDE FOR ITS OPERATION.

The General Assembly of North Carolina do enact:

Elkin City Administrative Unit (schools) created.

Board of trustees.

Section 1. That the Elkin School District, as heretofore defined and established by the Board of Education of Surry County and approved by the State School Commission, is hereby declared to be a City Administrative Unit within the contemplation of Section 115-8 of the General Statutes of North Carolina; and the general administration and supervision of said unit shall be under the control of a board of trustees or school commissioners, to be named by the governing body of the City of Elkin as hereafter provided, with a city superintendent as administrative officer.

Boundaries of City Administrative Unit.

Sec. 2. That the boundaries of said City Administrative Unit shall be the same as the Elkin School District, but it may be changed from time to time by the recommendation of the Surry County Board of Education and the Board of Trustees of said City Administrative Unit, herein established with the approval of the State Board of Education. The metes and bounds of said district being as follows:

Beginning at the Wilkes and Surry lines intersecting the Yadkin River, and running in an easterly direction with the Yadkin River to Mitchell's River; thence with the meanders of

Mitchell's River in a northerly direction to the fork of Mitchell's River and South Fork Mitchell's River; thence up the South Fork Mitchell's River to the north line of Elkin Township and the south line of Bryan Township at the mouth of Beaver Creek; thence in a westerly direction along the established line dividing Elkin Township and Bryan Township to the Wilkes County line; thence in a southerly direction along the line dividing Surry County and Wilkes County to the Yadkin River, the point of beginning.

Composition of Board of Trustees.

SEC. 3. The Board of Trustees of the Elkin City Administrative Unit shall be composed of five members, all of whom shall reside in the above described school district.

Trustees named.

Terms.

Appointment of successors.

Filling of vacancies.

SEC. 4. The following persons shall serve as trustees until their successors are named and have qualified as hereinafter provided. R. W. Harris and Claude Farrell shall each serve for a term of four years, and C. S. Foster and Hugh A. Royall shall each serve for a term of three years, and Everett Holbrook shall serve for a term of one year, each of said terms of office to begin on the first day of April, 1947. The governing body of said City of Elkin shall name the successors to each of the members herein named upon the expiration of their respective terms, on or before the first day of April of the year in which such member's term of office expires, and their successors shall be named for a term of four years. Any vacancy occurring in the membership of said board for any reason, either as to the members herein named or their successors, shall be filled by the governing body of said city within thirty days after such vacancy occurs.

Special school taxes approved by Elkin School District continued in force.

Tax levies.

SEC. 5. That any special tax which has heretofore been approved by the voters of the Elkin School District shall remain in full force and effect in Elkin City Administrative Unit the same as if said tax had been authorized after the establishment of said City Administrative Unit, and the tax-levying authorities are hereby authorized and empowered to continue to levy such taxes to the same extent as previously done in the Elkin School District.

Relationship of Unit to County Education Board.

Handling and distribution of funds.

SEC. 6. The relationship between the Elkin City Administrative Unit and the County Board of Education shall be the same as now exists between the several County Boards of Education and the several City Administrative Units of the State under the general laws applicable thereto. All funds shall be handled and distributed by the Elkin City Administrative Unit, including the special taxes heretofore referred to, as done under the pertinent General Statutes.

Conflicting laws repealed.

SEC. 7. That all laws and clauses of law in conflict with this Act are hereby repealed.

SEC. 8. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

ELM CITY

1909—Chapter 40.

AN ACT FOR THE ESTABLISHMENT OF A GRADED SCHOOL IN TOISNOT TOWNSHIP, WILSON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That there shall be an election held in the White School District Number One, in Toisnot Township, Wilson County, North Carolina, on Tuesday, the sixth day of April, one thousand nine hundred and nine, upon the question of the establishment of a graded school in the said district and of a special school tax for the support of the said graded school.

Election to be held.

Date of election.

Sec. 2. That the board of county commissioners shall order the election, giving thirty days' notice thereof in three public places in said school district, and shall appoint a registrar and two judges of election to hold the same and canvass the vote and declare the results, and the registration books shall be kept open by a registrar in said district duly appointed, on Saturday, March sixth, one thousand nine hundred and nine, and every Saturday thereafter until Saturday, April third, one thousand nine hundred and nine, inclusive, and all duly qualified voters resident in said district shall have the opportunity of registering and voting at the said election: *Provided*, that no person shall be allowed to vote in said election who has not registered for said election.

Order for election.

Notice.

Appointment of registrar and judges.

Registration.

Proviso: registration a prerequisite to voting.

Sec. 3. That if a majority of the qualified voters of said district who have registered shall vote a ballot upon which is written or printed the words "For School," then all of the territory now embraced in White School District Number One, in Toisnot Township, Wilson County, North Carolina, shall be and the same is hereby created a graded school district to be known as the Elm

Graded school district if voted for.

Proviso: act not effective.

City Graded-school District: *Provided*, that if at the said election a majority of the duly qualified voters do not vote "For School," this act shall be of no effect.

Poll tax.
Property tax.
Proviso: tax rate.
Proviso: rate as requested by school trustees.
Proviso: rate if trustees make no request.
Proviso: poll tax rate.

SEC. 4. That if a majority of the registered voters of the said district shall vote "For School," a *per capita* tax of not less than fifteen cents nor more than ninety cents shall be levied upon every male person resident of the said district between the ages of twenty-one and fifty years, and property tax shall be levied by the county commissioners of Wilson County in the manner prescribed by law for the levying of school taxes upon all property in the said district, upon the request of the board of trustees of the Elm City Graded School: *Provided*, that the said tax levied shall at no time be less than five cents on the one hundred dollars' worth of property and shall not exceed thirty cents on the one hundred dollars' worth of property: *Provided further*, that the Board of County Commissioners of Wilson County shall annually levy such a property tax between five cents on the one hundred dollars' worth of property and thirty cents on the one hundred dollars' worth of property as shall be requested by resolutions of the board of trustees of the Elm City Graded School: *Provided further*, that in event that the board of graded-school trustees of Elm City Graded School shall fail to request the levy of any tax, it shall be the duty of the Board of County Commissioners of Wilson County to levy a tax of fifteen cents on the one hundred dollars' worth of property in said district and forty-five cents on polls: *Provided further*, that the *per capita* tax shall be and remain at all times forty-five cents, to be levied by the Board of Commissioners of Wilson County.

Collection and payment of tax.

SEC. 5. The special tax levied by the county commissioners of Wilson County upon the property in said district, as well as the *per capita* tax herein provided for, shall be collected by the Sheriff of Wilson County and paid to the treasurer of the board of trustees of the Elm City Graded School.

Board of graded school trustees named.
Terms of office.

SEC. 6. That B. H. Barnes, P. W. Williams, W. H. Dixon, J. L. Bailey, G. R. Winstead, W. H. Pridgen, W. G. Sharp, W. D. Farmer, J. W. Cox and E. R. Brinkley shall be and they are hereby named and constituted a board of graded-school trustees of Elm City Graded School; the first-named three shall serve for a term of six years, the next-named three shall serve for a term of four years, and the last-named four shall serve for a term of two years.

Election of successors.
Vacancies.

SEC. 7. Whenever the term of any of the said board of trustees shall expire, the successors of such as whose term has expired shall be immediately elected by those remaining whose term has not expired. All vacancies in the said board of graded-school trustees, however occurring, shall be filled by election of the said board of graded-school trustees.

Trustees incorporated.
Corporate name.
Corporate powers.
Conveyances to trustees.

SEC. 8. That the board of graded-school trustees hereby created shall be a body politic and corporate by the name and style of the "Board of Trustees of the Elm City Graded School," and by that name shall be capable of receiving gifts and grants, purchasing and holding real estate, selling and mortgaging and transferring the same for school purposes, and prosecuting and defending suit for and against the corporation hereby created. Conveyances to said school trustees shall be made to them and to their successors in office.

SEC. 9. That said board of trustees shall have entire and exclusive control of the graded-school and public-school property in the said school district, and shall prescribe rules and regulations for their own government, not inconsistent with the provisions of this act; shall employ and fix the compensation of the teachers annually, subject to removal by said board; shall make an accurate census of the school population of the district, as required by the general law of the State, and do all other acts proper to the management of the school interest of said district: *Provided*, that children resident in said district between the ages of six and twenty-one years shall be admitted into the said school free of tuition charges, and those desiring to be admitted as pay students may be admitted on such terms as the board of trustees may direct.

Powers of trustees.

Proviso: free tuition.

Pay students.

SEC. 10. That the said board of trustees shall annually elect one of their number treasurer and custodian of all public school funds; and the public-school money derived from the State for the benefit of said school district and all money collected from said special tax and apportioned from the State and county school fund to said district from year to year as county school tax is hereby appropriated to and set apart for the use and benefit of the said graded school; and the same, together with the money arising from any special tax, gift, grant, apportionment or otherwise, shall be paid to and received by the treasurer of said board of graded-school trustees, and the said treasurer shall report monthly to the board of trustees his receipts and disbursements, with all the vouchers for disbursements. The money so received shall be held by the said treasurer as a fund, to be disbursed only upon the order of the board, signed by its chairman and countersigned by its secretary. The said treasurer shall, in addition to his monthly report to the board, annually report to the said board his receipts and disbursements for the year. The said treasurer shall be required to give bond, to be fixed by the board of trustees, in an amount sufficient to secure all school money that may come into his hands.

Election of school treasurer.

Moneys appropriated to school.

Treasurer to report monthly.

Disbursements of school funds.

Annual reports.

Bond of treasurer.

SEC. 11. That the said board of trustees of graded school shall apportion the money raised and received for educational purposes in the said school district in such manner as shall be just to the white and colored race, without discrimination to the prejudice of either race, due regard being paid to the cost of keeping up and maintaining the school for both races, separate schools to be provided for each race. If the number of either race and the funds therefor is insufficient to maintain a graded school, the funds may be applied to a public school for said race under the control of the said board.

Apportionment of funds.

SEC. 12. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 13. That this act shall be in force from and after its ratification.

Ratified this the 11th day of February, A. D. 1909.

CHAPTER 84.

AN ACT TO CHANGE THE NAME OF THE TOWN OF TOISNOT TO THAT OF ELM CITY.

The General Assembly of North Carolina do enact:

Name changed.

SECTION 1. That the name of the town of Toisnot, North Carolina, be and is now changed to that of Elm City.

Former laws applicable.

SEC. 2. That all laws heretofore enacted governing the town of Toisnot shall apply to the government of Elm City.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 11th day of October, A. D. 1913.

CHAPTER 703

AN ACT FIXING THE COMPENSATION OF MEMBERS OF THE ELM CITY CITY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. The Chairman of the Elm City City Board of Education shall receive as compensation for his services the sum of one hundred fifty dollars ($150.00) per year, payable in equal monthly installments. Each of the other members of said City Board of Education shall receive as compensation for his services the sum of seventy-five dollars ($75.00) per year, payable in equal monthly installments.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 2nd day of June, 1959.

CHAPTER 874

AN ACT TO PROVIDE FOR A REFERENDUM ON THE QUESTION OF WHETHER OR NOT THE MEMBERS OF THE BOARD OF EDUCATION OF THE ELM CITY SCHOOL DISTRICT SHALL BE ELECTED BY VOTE OF THE PEOPLE AND TO PROVIDE FOR AN ELECTION OF THE MEMBERS OF SAID BOARD OF EDUCATION IF SUCH METHOD IS APPROVED.

The General Assembly of North Carolina do enact:

Section 1. At the primary to be held in the year 1968 for the nomination of county officers, there shall be held at the same time a referendum or election on the question of whether or not the members of the Board of Education of the Elm City School District shall be elected by a vote of the people of said Elm City School District. The election or referendum shall be held at the same time of said primary election and shall be conducted by the election officials holding the primary election under the supervision and administration of the Wilson County Board of Elections. The question to be submitted to the electors of the Elm City School District shall be printed on a separate ballot and shall be voted upon by the electors of said school district regardless of party affiliation and without any reference to party affiliation being designated on said ballot. The question to be submitted to the electors of the Elm City School District shall be substantially as follows:

"FOR: Election of the members of the Board of Education of Elm City School District by vote of the electors residing in said school district.

"AGAINST: Election of the members of the Board of Education of Elm City School District by vote of the electors residing in said school district."

If a majority of the electors voting in said election shall vote in favor of the election of the members of the Board of Education of Elm City School District, then the Act hereinafter set forth in the Sections below shall become operative and shall be in full force and effect. If a majority of those voting shall be against the election of the members of said Board of Education, then this whole Act shall be null and void.

Sec. 2. At the general election to be held in 1968 for the election of county officers, there shall be elected in said general election three members of the Board of Education of the Elm City School District who shall hold office for a term of six years and until their successors are elected and qualified. The three members receiving the highest number of votes in descending order shall be declared to be elected as members of the Board of Education of said Elm City School District, and they shall take office on February 11, 1969. At the general election to be held in Wilson County for the election of county officers in the year 1970, there shall likewise be elected three members of the Board of Education of the Elm City School District, and the three members receiving the highest number of votes in descending order shall hold office for a term of six years and until their successors are elected and qualified. The three members so elected in 1970 shall take office on February 11, 1971. At the general election to be held for the election of county officers in Wilson County for the year 1972, there shall be elected three members to said Board of Education of the Elm City School District, and the three persons receiving the highest number of votes in descending order shall be declared to be elected as members of said Board of Education and shall hold office for terms of six years each or until their successors are elected and qualified. In all cases in the elections above set forth the candidates for election shall be a qualified voter of the Elm City School District and shall file notice of candidacy with the Wilson County Board of Elections at least 30 days prior to the date of said election and said notice shall be accompanied by a filing fee of five dollars ($5.00). The said notice shall give the name, age and residence of the candidate filing same. In all cases in said election of the said members of said Board of Education the name of the candidates shall be printed on a separate ballot, and there shall be no reference to party affiliation, and the election of the members of said Board of Education shall be nonpartisan. Thereafter, as the terms of office of said members of the Board of Education of the Elm City School District expire, their successors shall be elected in the appropriate election to the end that such successors so elected may take office on February 11th of the year following such election. In all cases all candidates for such membership shall be voted upon by the eligible electors residing and having their residence in the territory of the Elm City School District.

Sec. 3. In case of a vacancy on the Board of Education of the Elm City School District caused by death, resignation, change of residence, failure to qualify or for any other cause whatsoever, the vacancy shall be filled for the unexpired term by the remaining members of said Board of Education and said vacancy shall be filled within 30 days from the date the vacancy occurs. The said Board of Education shall exercise all the powers and duties authorized by Chapter 115 of the General Statutes, as amended, which pertain to and are conferred upon city boards of education.

Sec. 4. The provisions of Sections 2 and 3 of this Act shall not become operative or have any force and effect unless a majority of the electors of the Elm City School District voting in the referendum provided in Section 1 of this Act shall approve the election of the members of the Elm City School District as set forth in Section 1 of this Act, and if such election is not approved, then this complete Act shall be void and of no effect.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

FAIRMONT

1939—Chapter 256

AN ACT TO CREATE AND ESTABLISH THE FAIRMONT ADMINISTRATIVE UNIT AND PROVIDING FOR THE ADMINISTRATION AND CONTROL THEREOF.

The General Assembly of North Carolina do enact:

Fairmont School Administrative Unit, Robeson County, created.

Section 1. Fairmont Administrative Unit Created. The Fairmont School District of Robeson County as has been defined and established by the Board of Education of Robeson County and the State School Commission, the boundaries of same being as follows:

Boundaries.

"Beginning at the intersection of Ashpole Swamp with the South Carolina line and runs thence up the various courses of Ashpole Swamp, same being White House Township line, to the intersection of Hog Swamp with the Ashpole Swamp; thence up the run of Hog Swamp, same being Fairmont Township line to old Atkinson Mill Pond, to and beyond Highway number forty-one, the head of Hog Swamp; thence a direct line from the head of Hog Swamp to a crossroads, said crossroads being an intersection of the road leading from Small's crossroads to United States Highway number three hundred one with the McDonald road; thence with the McDonald road to the intersection of the road leading from Pleasant Hope Church; thence a direct line to the intersection of a road leading from the Iona-McDonald road with the road leading from the old Fairmont-Rowland road to Reedy Branch, near Turner Branch; thence with the road leading from the Iona-McDonald road as above stated to the said Iona-McDonald road; thence down the Iona-McDonald road to the old Fairmont-Rowland road near Iona Church; thence with the old Fairmont-Rowland road to Horse Swamp; thence down the run of Horse Swamp to Ashpole Swamp; thence down the various courses of Ashpole Swamp, same being Gaddys Township line, to Highway number seventy-one; thence Highway number seventy-one to the Five Forks; thence the old Marion Stage road to the South Carolina line; thence the South Carolina line to the beginning"; is hereby declared to be an administrative unit within the contemplation of the Acts of the General Assembly of North Carolina, and the control and operation of the public schools within said district shall be vested in the Board of Trustees as provided for city administrative units.

Change of boundaries authorized.

Amended,
P.L. 1951,
ch. 574, § 1

SEC. 2. Change of boundaries. The boundaries of said administrative unit may be changed from time to time by the recommendation of the Board of Education of Robeson County and the approval of the State School Commission, and [without] the approval of the trustees of said administrative unit.

Section 3 rewritten by Sess. L. 1955, ch. 307, §1

Powers, duties, etc. of Board of Trustees.

SEC. 4. Powers, duties, etc. Said Board of Trustees of Fairmont Administrative Unit is hereby vested with all authority, rights, powers and duties which are now or may hereafter be granted to city administrative units under the general school laws of North Carolina, except as hereinafter restricted in Section five of this Act.

Tax levy by Unit prohibited.

SEC. 5. Restrictions. Said Fairmont Administrative Unit shall levy no taxes of any description.

Title to school property in Unit vested in County Board of Education.

(a) The title to all school property in said Fairmont Administrative Unit shall remain vested in the Board of Education of Robeson County.

Indians exempt from application of Act.

(b) That this Act shall not appy to, affect or include Indians residing in said unit or any Indian school therein and no Indian voter shall be entitled to vote in the primary or general election of trustees, as therein provided.

Prior operation of Indian schools continued.

That all Indian schools now or hereafter operated within the boundaries of the said administrative unit shall continue to be and shall be operated as heretofore, unaffected by this Act.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. This Act shall be in full force and effect on or after the first day of July, one thousand nine hundred and thirty-nine.

In the General Assembly read three times and ratified, this the 20th day of March, 1939.

1951— CHAPTER 574

AN ACT TO AMEND CHAPTER 256 OF THE PUBLIC-LOCAL LAWS OF 1939 RELATING TO THE FAIRMONT ADMINISTRATIVE UNIT IN ROBESON COUNTY.

Repealed, S.L. 1955, ch. 307, § 4

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 256 of the Public-Local Laws of 1939 is amended by striking out the word "without" in line five and substituting in lieu thereof the word "with".

Sec. 2. Paragraph (e) of Section 3 of Chapter 256 of the Public-Local Laws of 1939 is rewritten to read as follows:

"The said trustees shall have the qualifications prescribed by law for members of the Robeson County Board of Education but said trustees shall reside within the Fairmont Administrative Unit. In the event a vacancy occurs among the present membership of said board of trustees, either by resignation, death or removal from the district, or otherwise, it shall be filled by the remaining members of the board of trustees and such person so designated shall serve for the unexpired term and until his successor is elected as now provided by law."

Sec. 3. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1951.

1955— CHAPTER 307

AN ACT TO AMEND CHAPTER 256 OF THE PUBLIC-LOCAL LAWS OF 1939 RELATING TO THE APPOINTMENT OF THE MEMBERS OF THE BOARD OF TRUSTEES OF THE FAIRMONT ADMINISTRATIVE SCHOOL UNIT.

The General Assembly of North Carolina do enact:

Superseded, S.L. 1971, ch. 212

[Section 1. Section 3 of Chapter 256 of the Public-Local Laws of 1939 is hereby rewritten so that the same shall read as follows:

"Sec. 3. Members of Board of Trustees; Appointment; Qualifications.—The members of the Board of Trustees of the Fairmont Administrative School unit shall be appointed by the General Assembly of North Carolina is the manner hereinafter set forth.

"The General Assembly of North Carolina does hereby appoint T. R. Butterworth and D. M. Britt as members of the Board of Trustees of the Fairmont Administrative School Unit, and they shall serve for a period of two years from and after July 1, 1955, and until their successors are appointed and qualified.

"The General Assembly hereby appoints W. C. Floyd, Joseph Page and Dr. P. C. Purvis as members of the Board of Trustees of the Fairmont Administrative School Unit, and their term of office shall be for a period of four years from and after July 1, 1955, and until their successors are appointed and qualified.

"The General Assembly of North Carolina at its regular Session of 1957 shall appoint two members of said Board of Trustees of Fairmont Administrative School Unit to fill the offices of the two members whose terms will expire the year of 1957. These appointments shall be for a period of four years and until their successors are appointed and qualified. Thereafter at the regular Session of the General Assembly in 1959 the said General Assembly shall appoint three members to fill the offices of the three members whose terms are then expiring, and said appointments shall be for a period of four years. Thereafter at each regular Session of the General Assembly appointments shall be made for the offices of membership in the Fairmont Administrative School Unit by the General Assembly for the offices expiring in the year that the Session is held, and all appointments shall be for a period of four years and until the successors of such members are appointed and qualified. It is the purpose and intent of this Section that the Board of Trustees of Fairmont Administrative School Unit shall hold office by means of a staggered system so that at all times there shall be members who have previously served and have had experience in the administration of the affairs of the Fairmont Administrative School Unit."] [ ]

Amended,
(insertion)
S.L. 1969,
ch. 769,
§ 2

Sec. 2. The said trustees shall have the qualifications prescribed by law for members of the Robeson County Board of Education but said trustees shall reside within the Fairmont Administrative Unit. In the event a vacancy occurs among the present membership of said board of trustees, either by resignation, death or removal from the district, or otherwise, it shall be filled by the remaining members of the board of trustees and such person so designated shall serve for the unexpired term and until his successor is elected as now provided by law.

Sec. 3. Subsection (1) of Section 1, including paragraph (a) thereof, of Chapter 344 of the Session Laws of 1945, be and the same is hereby repealed.

Sec. 4. Chapter 574 of the Session Laws of 1951 be and the same is hereby repealed.

Sec. 5. Any and all laws, general, special, public-local or private, in conflict with this Act, are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1955.

CHAPTER 769

AN ACT TO AMEND CHAPTER 307 OF THE SESSION LAWS OF 1955 TO ENLARGE THE FAIRMONT BOARD OF EDUCATION FROM FIVE TO SEVEN MEMBERS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 239 of the Session Laws of 1969 is hereby repealed.

Sec. 2. Chapter 307 of the Session Laws of 1955 is amended by adding a new Section 1 1/2 to read as follows:

"Sec. 1 1/2. The Fairmont Board of Education shall consist of seven members as of July 1, 1969. The members of the board shall be appointed by the General Assembly as provided in Section 1 above except that three members shall be appointed for four-year terms in 1971 and every four years thereafter and four members shall be appointed for four years in 1973 and every four years thereafter.

"The following four people are hereby appointed for four-year terms beginning on July 1, 1969, and until their successors are appointed and qualified: Mr. James A. Freeman, Mr. Percy Hill, Dr. Milton J. Jordan, and Mr. Willie Brooks Webster.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1969.

1971 - CHAPTER 212

AN ACT TO PROVIDE FOR A NON-PARTISAN ELECTION FOR MEMBERS OF THE BOARD OF TRUSTEES OF THE FAIRMONT ADMINISTRATIVE SCHOOL UNIT.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 256, Public-Local Laws of 1939, is hereby rewritten to read as follows:

"Sec. 3. *Members of Board of Trustees; election; term.*—The Board of Trustees of the Fairmont Administrative School Unit shall be composed of seven (7) members who shall be elected by the qualified voters of the Unit at large as hereinafter provided.

At the time of the regular primary election for county officers to be held in 1972, and thereafter, the members of the board of trustees shall be elected in a non-partisan election. There shall be no primary election. The names of the candidates shall be printed on a separate ballot without reference to any party affiliation. Candidates shall file notice of candidacy at the same time as candidates for county office, and the election shall be conducted, insofar as practicable, as elections for county officers; provided, however, that absentee ballots shall not be permitted.

Beginning with the election to be held under this act in 1972, and every four years thereafter, three (3) members of the Board of Trustees shall be elected to serve for terms of four years. The three candidates receiving the highest number of votes shall be declared elected.

At the election to be held under this act in 1974, and every four years thereafter, four (4) members of the Board of Trustees shall be elected for terms of four years. The four candidates receiving the highest number of votes shall be declared elected.

The members elected shall take office on July 1 following their election, and shall serve until their successors are elected and qualified.

Any vacancy occurring on the board for any cause shall be filled for the unexpired term by some person appointed by the remaining members of the board."

Sec. 2. The present members of the board shall continue to serve as follows:

Mr. William Brady, Mr. W. B. Webster and Mr. James R. Oliver, or their successors in case of a vacancy, shall serve until July 1., 1972.

Mr. Linwood Floyd, Dr. Milton Jordan, Mr. Percy Hill and Mr. James A. Freeman, or their successors in case of a vacancy, shall serve until July 1, 1974.

Sec. 3. All local and special acts, and all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 4. This act shall be effective upon ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1971.

[Chapter 1228, 1971 S.L. authorizing boards of education in Robeson County to enter into long-term leases, lease-backs and lease-purchase agreements is set out at the end of the local acts affecting the Lumberton City Administrative Unit]

FAYETTEVILLE

1903—CHAPTER 382.

AN ACT TO ESTABLISH GRADED SCHOOLS IN CROSS CREEK TOWNSHIP, CUMBERLAND COUNTY, AND TO ISSUE BONDS AND TO LEVY A SPECIAL TAX FOR THE ESTABLISHING AND SUPPORT OF SAME.

The General Assembly of North Carolina do enact:

Public school district. Name.

SECTION 1. That Cross Creek Township, in the county of Cumberland, shall be and in hereby constituted a public school district for both white and colored schools, to be known as "Cross Creek Graded School District."

Election. When.

SEC. 2. That the Commissioners of Cumberland County are hereby required to submit to the qualified voters of the said township on the third Monday in May, A. D. nineteen hundred and three, the question whether an annual tax shall be levied for the support of the graded schools in said township, and said election to be governed by such rules and regulations as the said Commissioners of Cumberland County may prescribe.

How governed.

Ballots

SEC. 3. That at said election, those favoring the levying of such tax shall vote a written or printed ballot, without device, with the words "For School Tax" upon it, and those opposed to the levying of such tax shall vote a written or printed ballot, without device, with the words "Against School Tax" upon it.

New registration.

SEC. 4. That for the purposes of this act, a new registration shall be had, and no voter shall be deemed a "qualified voter" within the meaning of this act except those whose names are duly registered under the provisions of this act. Said registration shall be provided for by the Board of County Commissioners subject to the general laws of the State governing the registration of voters.

Special tax.
Tax rate.
Collection.
Bond required of sheriff.
Proviso. New election.

SEC. 5. That if a majority of the qualified voters voting shall vote at said election in favor of levying such tax, it shall be the duty of the Board of Commissioners of Cumberland County, and they are hereby required to levy annually a special tax not exceeding 25 cents on the $100.00 valuation of real and personal property, and other property taxed by the laws of North Carolina, and not exceeding 75 cents upon the poll to support the schools, and said tax shall be due and collected annually by the Sheriff of Cumberland County, as and at the time other county taxes are due and collected, and the said Sheriff shall be subject to the same laws governing the collection and settlement of State and county taxes, and shall be subject to the same penalties prescribed by said laws, and shall give a good and sufficient bond to secure all taxes collected under this act, said bond to be approved by the County Commissioners, and shall receive as compensation for his services the same fees as are allowed by law for the collection of State and county taxes: *Provided*, that if the tax is not voted, the Board of County Commissioners upon petition of one-third of the qualified voters of said township shall order a new election to be held, said election to take place at any time not within one year of the previous election.

Sheriff to pay taxes to treasurer of school trustees.

SEC. 6. That said tax shall be promptly paid over as collected by the Sheriff of said county to the Treasurer of the Board of Trustees for the graded schools of said township.

Board of trustees. How constituted.
Term of office.
Amended, Pr. L 1927, ch. 173

SEC. 7. [That W. L. Hawley, A. H. Slocumb, N. J. Bell, J. A. King, B. G. Hollingsworth, B. R. Huske, J. A. Oates, J. M. Lamb, N. A. Sinclair, M. F. Crawford, H. L. Cook and C. J. Ahearn be and they are hereby constituted a Board of Trustees for the graded schools of said township. Immediately after the ratification of this act, the said Board shall meet, and by lot divide themselves into three classes, four (4) of whom shall hold office one year, four (4) for two years, and four (4) for three years, until their successors are duly elected as provided in section eight (8) of this act.]

Election of successors.
Amended, Pr.L. 1927, ch. 173
Proviso.

SEC. 8. [Whenever the term of office of any class shall expire as above provided, their successors shall be elected for a term of three years, by the qualified voters of Cross Creek Township, at an election to be held in conjunction with and on the same date of any under the same rules and regulations governing the election for mayor and aldermen of the city of Fayetteville, in said township. If no election is held in said city, then a special election shall be held annually on the first Monday in May for the election of trustees, under the aforesaid rules and regulations: *Provided*, that said Board of Trustees shall consist of twelve (12) members, at least seven of whom shall reside within the corporate limits of Fayetteville (one to be selected from each ward of said city); at least two from outside the corporate limits of said city but within the limits of said township (one of whom shall reside on the south side of the plank road running west from Fayetteville over Haymount, and one shall reside on the north side thereof); and three to be selected from the township at large. Nominations for succeeding trustees shall be made by the qualified voters of the ward or district entitled to name said trustee, under such rules and regulations as the said Board of Trusters may prescribe. Whenever any vacancy occurs in said Board, except by expiration of the term of office, the vacancy shall be filled by the said Board of Trustees, subject to the foregoing provisions of this act.]

Vacancies, how filled

SEC. 9. That said Board of Trustees of Cross Creek graded schools shall be and remain a body corporate under that name, and may adopt and use a common seal, and shall be capable of receiving gifts and grants, or purchasing and holding property, real, personal, and mixed, or selling, mortgaging, and transfering, the same for school purposes, and of prosecuting and defending suits for or against the said corporation. Conveyance to said Board shall be to them and their successors in office; and all deeds and mortgages and other agreements affecting real estate, and all bonds and other obligations, shall be deemed sufficiently executed when signed by the Chairman and Secretary of said Board, and attested by the seal of said corporation.[ ]

Board of trustees created a body politic.

Powers.

Deeds, etc., of board, how executed.

Amended,
(insertion)
Pr. L Ex. 1921,
ch. 142

SEC. 10. That said Board of Trustees is hereby authorized to issue coupon bonds not to exceed in amount the sum of ten thousand dollars ($10,000) and in denominations of $100 or multiples thereof, bearing interest from date of bonds at a rate not to exceed five per cent per annum, payable semi-annually on the first day of January and the first day of July of each year, at such place as said trustees may designate until the said bonds are paid; that said bonds are to be made payable at a time and place to be fixed by said trustees and named therein, not to be less than five or more than twenty years from the date of issuing. The said bonds and their coupons shall be numbered, and the bonds shall be signed by the Chairman of said Board, and countersigned by its Secretary, and have the corporate seal of said Board affixed thereto, and the coupons attached thereto shall be signed by the Chairman of said Board. A record shall be kept of said bonds showing the numbers and denominations thereof, and to whom sold, and the dates of issuing thereof, the amount received from the sale of the same, and the date of the payment of the proceeds into the treasury, and such other data in relation to the same as the Board may direct to be kept.

Board of trustees may issue bonds Amount.

Rate of interest.

Term.

Record of bonds to be kept.

SEC. 11. That the bonds hereby authorized to be issued shall not be sold for less than their face value, and the said Board of Trustees shall not deliver said bonds, or any of them, to the purchaser thereof, until the purchase money shall be paid to the treasurer of said Board of Trustees, and his receipt to the purchaser produced as evidence of such payment, and the Treasurer of said Board shall receive all such moneys paid in the purchase of the bonds in his official capacity as Treasurer of said Board, and he and the sureties on his official bond shall be liable to account for any pay over the same, and it shall be the duty of the said Board of Trustees to see that the bond of said Treasurer shall at all times be sufficient to amount and with satisfactory sureties to provide against any loss of money arising from the sale of such bonds, and to that end may at any time require said Treasurer to renew his official bond in such sum and with satisfactory surety as they may require, and in default thereof to remove him from his office as treasurer.

Not to be sold under par.

Treasurer of board to receive and pay over proceeds.

Bond required of treasurer.

SEC. 12. That the Treasurer of the said Board of Trustees shall keep separate from all other moneys coming into his hands the

Proceeds of bonds to be kept separate.

Application of same.

Purchase of school property, etc.

moneys arising as proceeds from the sale of said bonds, and the same shall be expended by the said Board in the purchase from the City of Fayetteville of the building and grounds on Hay street now used for school purposes, known as the "Seminary property," in repairing, enlarging, remodeling, furnishing and equipping the same, and in furnishing, equipping, enlarging and repairing other public school buildings in said township, and for such other school purposes as the trustees may order the same to be disbursed.

Sinking fund.

Investment of.

SEC. 13. That it shall be the duty of the Board of Trustees to provide a sinking fund for the payment of the principal of said bonds at maturity, and for that purpose to set apart each year from the taxes collected in, or moneys apportioned to Cross Creek township for public schools, a sum equal to at least five per cent of the principal of said bonds, which shall be kept securely invested or loaned out on first mortgage on real estate situated in Cumberland County, worth not less than double the amount of the loan.

Conveyance of school property to trustees for bondholders.

SEC. 14. That said trustees may for the better security of the bondholders if they, the said trustees, shall deem advisable, appoint three honest citizens who are freeholders in said township, as trustees for the bondholders, to whom the property acquired by the proceeds from the sale of said bonds shall be deeded in trust for said bondholders, to be held by said trustees until all of said bonds have been fully paid, and no longer. Said property to be adequately insured for the benefit of said bondholders.

Payment of interest.

SEC. 15. It shall be the duty of said Board of Trustees to provide each year for the payment semi-annually of the interest on said bonds, and for that purpose to set apart each year from the taxes in or moneys apportioned to Cross Creek township for public schools a sum sufficient to pay the same.

Bond election.

Time.

Notice.

How governed.

Ballots.

Returns.

SEC. 16. The question of issuing said bonds shall be submitted to the qualified voters of Cross Creek township at the same election to be held under the provision of this act for the purpose of voting on the question of a special school tax for said township, and on the same date, to-wit, the third Monday in May, 1903. The said election shall be advertised by the Board of Commissioners for thirty days prior to the day of election in one or more newspapers published in said township, and the said election shall be held under such rules, regulations, and directions as the said Commissioners may prescribe not inconsistent with the provisions of this act. At said election those who are in favor of issuing said bonds shall vote a written or printed ballot, without device with the words "Approved" upon it, and those opposed to issuing said bonds shall vote a written or printed ballot without device with the words "Not Approved" upon it., The number of ballots cast for and against said bonds shall be counted and the result of said election certified and returned to the Register of Deeds of Cumberland County, who shall furnish to the Chairman of said Board of Trustees a certified copy of said return under seal, and also send a like copy of said return to the Secretary of State, which said Secretary shall file in his office. If at the election a majority of the qualified voters voting shall vote "Approved," then the said

Board of Trustees shall proceed at once to issue and sell said bonds, or so many thereof as may be necessary in the judgment and discretion of said Board of Trustees for the purposes aforesaid.

All school funds for said district to go to treasurer of school trustees.

SEC. 17. That all public school funds derived from the State and said county of Cumberland for the use and benefit of the public school districts of said township, shall be paid to the Treasurer of the said Board of Trustees for the use and benefit of said graded schools, and the property, both real, personal, and mixed, of said public school district shall be vested in the said graded school board and their successors in office, in trust for said graded school, and all existing obligations, debts and liabiliites of the old Board of Trustees shall continue in force and devolve upon the new Board herein appointed.

Board to establish graded schools for white and colored.

Apportionment of funds.

SEC. 18. It shall be the duty of the said Board of Trustees to establish and keep up a public graded school in said township for the white children and one for the colored children of said township, and the said Board shall use and appropriate the funds derived from the said special taxes and from all other sources, as shall be just and equitable to both white and colored races, giving each equal school facilities, due regard however being had to the relative cost of keeping up and maintaining the graded schools for both races.

Board to have exclusive control

Rules and regulations.

Employment of teachers.

Proviso. School age, etc.

SEC. 19. The Board of Trustees provided by this act shall have entire and exclusive control and management of the public school interest and property in Cross Creek township; shall prescribe rules and regulations for their own government and for the government of the schools, not inconsistent with the provisions of this act; shall employ and fix the compensation of officers and teachers of the graded schools, shall make an accurate census of the school population of the township, as required by the general school law of the State, and shall do all other acts that may be just and lawful to conduct and manage the public school affairs in said township, and a committee from said Board of Trustees shall visit each school in said township at least once every two months while said schools are in session, *Provided*, that all children resident in Cross Creek township between the ages of six and twenty-one years shall be admitted into said school free of tuition charges, and those desiring admission into said school as pay students, may be admitted upon such terms as the Board of Trustees may determine.

Election of treasurer of board.

Duties.

SEC. 20. That said Board of Trustees, at their first regular meeting in nineteen hundred and three, and annually thereafter on the first Tuesday in June of each year, shall elect a Treasurer and custodian of all public school funds, from whatever source derived. The said Treasurer shall keep a strict account of all moneys received and disbursed, and shall report monthly to said Board, his receipts and disbursements, with vouchers for the same. The Treasurer shall make no disbursements except upon the order of the Board, signed by its Chairman and countersigned by its Secretary. The said Treasurer shall furnish annually at the end of each school year to the Board of Commissioners of Cumberland County a statement in writing of his receipts and disbursements of the school funds, properly endorsed and approved by the Chair-

Compensation.
Bond.

man and Secretary of the said Board of Trustees. Said Treasurer shall receive for his services such compensation as the said Board of Trustees may allow, and shall give bond to the Board of Trustees in such sum as said Trustees may require, in an amount sufficient to secure all school funds which may at any time come into his hands.

Election of superintendent.
Duties.
Qualifications of teachers.
Proviso.
Secretary of board.

SEC. 21. That the Board of Trustees created under the provisions of this act, shall elect annually on the first Tuesday in June of each year, a Superintendent of schools established under this act, and the said Superintendent shall examine all applicants for teachers' positions in said schools, issue certificates to such as are competent, and no person shall be elected a teacher in said schools who does not have a certificate from the Superintendent of said schools: *Provided*, that this shall exempt no teacher from examination by the County Superintendent of said county. Said Superintendent shall also act as Secretary of said Board of Trustees, and do and perform such other duties as may be prescribed by the Board of Trustees.

Election of principals.

Amended, (deletion) Pr. L 1927, ch. 173

Teachers.

SEC. 22. That said Trustees may elect a principal for the graded school for white children (who may be Superintendent) and shall elect a principal for the graded school for colored children annually on the first Tuesday of June in each year, or subsequently as may be deemed for the best interests of the schools. [Teachers for both white and colored schools may also be elected on the first Tuesday in June of each year, or subsequently as the best interests of the schools may require.] In the election of teachers, preference shall be given to those applicants who attend some school or method in teaching.

Per capita apportionment to this district from public school funds.

SEC. 23. That all public school funds, from whatever source received, shall be apportioned by the Board of Education of Cumberland County to said Cross Creek graded school district upon a per capita basis.

Board to make annual reports to county superintendent and county board of education.

SEC. 24. That it shall be the duty of said Board of Trustees to make annually a full and complete report of the operations of said graded schools and such other reports to the State Superintendent of Public Instruction, the County Superintendent of Schools, and the Board of Education of said county of Cumberland as the general school law of the State may require.

Position of trustee not an "office."

SEC. 25. That the position of Trustee of said schools shall not constitute an office within the meaning of article 14, section 14 of the Constitution of this State.

Conflicting laws repealed.

SEC. 26. That all of chapter one hundred and fifty-seven (157) of the Public Laws of 1883, and all acts amendatory thereof, and all other laws or parts of laws in conflict with the provisions of this act, are hereby repealed.

SEC. 27. That said act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

1921—CHAPTER 142

AN ACT TO AMEND THE CHARTER OF THE FAYETTEVILLE GRADED SCHOOLS.

The General Assembly of North Carolina do enact:

Trustees empowered to borrow money.

Limit of amount.

Use of proceeds.

SECTION 1. That the charter of the Fayetteville Graded Schools, being chapter three hundred and eighty-two (382) of Public Laws, session one thousand nine hundred and three, as amended by chapter two hundred and ninety-seven (297) of Public Laws, session one thousand nine hundred and nine, by chapter fifty (50) of Private Laws, session one thousand nine hundred and eleven, and other amending acts, be and the same is hereby further amended by adding to the end of section nine (9), chapter three hundred and eighty-two (382), of Public Laws, session one thousand nine hundred and three, the following words: "The said board of trustees is authorized and empowered, from time to time, by a majority vote of the entire membership of the board, to borrow money and issue the note or notes of the Fayetteville Graded Schools, signed by the chairman and secretary, and under its corporate seal, in an amount not to exceed seventy-five per centum (75%) of the estimated tax money of the fiscal year; the proceeds to be used for payment of salaries of officers, teachers, and employees, and for other current expenses.

Repealing clause.

SEC. 2. That all laws or parts of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 20th day of December, A.D. 1921.

1927—CHAPTER 173

AN ACT TO AMEND THE CHARTER OF THE FAYETTEVILLE GRADED SCHOOLS.

The General Assembly of North Carolina do enact:

Laws amended.

SECTION 1. That chapter three hundred and eighty-two (382) of the Public Laws of the session of nineteen hundred and three (1903), as amended by chapter one hundred and sixty-four (164) of the Private Laws of the session of nineteen hundred and five (1905), by chapter two hundred and eighty-eight (288) of the Private Laws of nineteen hundred and seven (1907), and by chapter fifty (50) of the Private Laws of nineteen hundred and eleven (1911), be and the same is hereby amended in the manner hereinafter set out.

Amended,
P.L. 1941,
ch. 204, § 2

Number of trustees.

Residence.

Representation by precincts.

Members at large.

SEC. 2. [The board of trustees of the Fayetteville graded schools shall consist of twelve (12) members, who, at the time of their election, shall be bona fide citizens and residents of the city of Fayetteville, and of the precinct or district from which they are elected. There shall be two (2) members elected from each of the four voting precincts in Cross Creek Township, Cumberland County, as said precincts are now or may be hereafter lawfully defined and bounded, and four (4) members at large, but

Residence of members at large.
Term of office.

not more than two (2) of the four (4) members at large shall reside in the same voting precinct or district. The term of office of the members to be hereafter elected shall be four (4) years, commencing from the first Monday in June of the year in which they are elected.]

Time of election.

Amended, P.L. 1941, ch. 204, § 3

Offices to be filled.

Law governing election.

Election officers.

Election of trustees if none for city officers.

Law governing election.

SEC. 3. [On the first Tuesday after the first Monday in May, nineteen hundred and twenty-nine (1929), and biannually thereafter, or at the time for the regular election of mayor and board of aldermen of the city of Fayetteville, an election shall be held by the qualified voters residing within the bounds of Cross Creek Township, Cumberland County, to elect one (1) member from each of the four (4) voting precincts described in section two, and two (2) members at large.] The said election shall be held under the same rules and regulations governing the election of the mayor and board of aldermen of the city of Fayetteville, and the same registrars and judges of election who serve in the city election shall likewise serve in the election of trustees to be held hereunder. If no election shall be held for the mayor and city officials, the board of trustees of the Fayetteville graded schools may cause said election to be held at said time, appoint the necessary judges and registrars and give such notice as may be required by law. Such election shall be held in the same manner and under the same rules as are now provided for the election of the mayor and board of aldermen of the city of Fayetteville.

Expiration of terms of present board.
Trustees and terms named.

Amended, P.L. 1941, ch. 204, § 4

Beginning of term.

SEC. 4. [The terms of office of the present board of trustees of the Fayetteville graded schools shall expire on the first Monday in June, nineteen hundred and twenty-seven (1927). Until the election herein provided for shall be held, the board of trustees shall be constituted as follows: From precinct number one (1) John A. Oates to serve for two (2) years, and J. M. Cole to serve for four (4) years; from precinct number two (2) J. H. Culbreth to serve for two (2) years, and A. E. Dixon to serve for four (4) years; from precinct number three (3) A. G. Murchison to serve for two (2) years, and J. B. Clark to serve for four (4) years; from precinct number four (4) J. S. Schenck to serve for two (2) years, and H. L. Cook to serve for four (4) years; at large, A. E. Dixon and Mrs. Lucile G. Souders, each to serve for two (2) years, and F. H. Stedman and Mrs. Annie W. Tillinghast, each to serve for four (4) years. Such terms shall run from the first Monday in June, nineteen hundred and twenty-seven (1927), or until their successors are duly elected and qualified.]

Nominations for members of board of trustees.

Nominations made by primaries or conventions.

Notice of nominations.
Board to fill vacancies.

SEC. 5. Nominations of candidates for members of the board of trustees of the Fayetteville graded schools shall be made by the qualified voters of the precinct or district and of the district at large, authorized by law to elect such trustees. Such nominations may be made by primaries or conventions, and under such rules and regulations as the board of trustees may provide, but due notice shall be given of the time, place and manner of making such nominations. Whenever a vacancy occurs in the membership of the said board, other than by the expiration of the term of office, the board shall fill the vacancy by election until the next regular election to be thereafter held, subject to the provisions of this act as to the residence of the members of the board.

SEC. 6. That section twenty-two (22) of chapter three hundred and eighty-two (382) of the Public Laws of nineteen hundred and three (1903), shall be amended by striking out all of line six (6) and all of line seven (7) and so much of line eight (8) ending with the word "require."

Sections and law amended.

SEC. 7. The board of trustees of the Fayetteville graded schools be and they are hereby authorized and empowered to adopt such rules and regulations as they may deem proper for the purpose of providing pensions for such teachers who have served as teachers in said Fayetteville graded schools continuously for a period not less than twenty-five (25) years; and to adopt such plan or plans as they deem proper under which the teachers may voluntarily pay into a school pension fund a certain per cent of their salary, to be supplemented by the board of trustees, or a plan for the payment direct to teachers of a pension without any contribution on the part of the teachers themselves. In no case, however, shall the total pensions paid to teachers be more than two per cent (2%) of the income paid over to the treasurer of the board from the taxes for the particular year in which the pensions are to be paid. This section as to providing pensions may also be used by the board for the scholastic year nineteen hundred and twenty-six-twenty-seven (1926-27) and to that respect may be retro-active. All pensions, if any, heretofore paid by the board are hereby ratified and approved.

Provision for pensions to teachers.

Service entitling to pensions.

Plans for raising pension fund.

Limit of pensions.

Section may be made retroactive.

Pensions heretofore paid ratified and approved.

SEC. 8. This act shall be in force from and after its ratification.

Ratified this the 7th day of March, A.D. 1927.

1941—CHAPTER 204

AN ACT TO AMEND THE CHARTER OF THE FAYETTEVILLE GRADED SCHOOLS.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter one hundred and seventy-three of the Private Laws of one thousand nine hundred and twenty-seven, amending the Charter of the Fayetteville Graded Schools be, and the same is hereby amended as hereinafter set forth.

Ch. 173, Private Laws, 1927, amended, as to Charter of Fayetteville Graded Schools.

SEC. 2. That Section two of said Act be amended to read as follows:

Sec. 2, amended.

"SEC. 2. [The Board of Trustees of The Fayetteville Graded Schools shall consist of twelve members, who, at the time of their election, shall be bona fide residents of and qualified voters in the precinct or district from which they are elected. There shall be two members elected from each of the five voting precincts in Cross Creek Township, Cumberland County, as the said precincts are now, or may hereafter be, lawfully defined and bounded, and two members elected at large from the whole school district, without regard to precinct residence. Any territory outside of Cross Creek Township heretofore or hereafter added to The Fayetteville Graded Schools District, in the manner provided by

Number of trustees.

Qualifications.

Representation by precincts.

Amended, S.L. 1963, ch. 360

Members-at-large.

Term of office

Amended,
S.L. 1953,
ch. 1028, § 2

law, shall be considered a part of the precinct to which it is contiguous. The term of office of the members of the Board of Trustees to be hereafter elected shall be [four] years, commencing from the first Monday in June of the year in which they are elected."]

Sec. 3, amended.

Sec. 3. That the first sentence in Section three of said Act, beginning with the word "On," in line one of said section, and ending with the word "large," in line eight of said section, be amended to read as follows:

Election of trustees.

"Sec. 3. On the first Tuesday, after the first Monday in May, one thousand nine hundred and forty-one, and biannually thereafter, or at the time for the regular election of the Mayor and the Board of Aldermen of the City of Fayetteville, an election shall be held by the qualified voters residing within the boundary of Cross Creek Township, Cumberland County, and within such contiguous territory as has been, or may hereafter be, lawfully added to the Fayetteville Graded Schools District, [to elect one member of the Board of Trustees from each of the five voting precincts, as described in Section two, and one member at large."]

Offices to be filled.

Amended,
S.L. 1953,
ch. 1028, § 3

Sec. 4. That Section four of said Act be amended to read as follows:

Sec. 4, amended.

Expiration of terms of present trustees.

Amended,
S.L. 1953,
ch. 1028, § 4

"Sec. 4. [The terms of office of the present Board of Trustees of the Fayetteville Graded Schools shall expire as follows: On the first Monday in June, one thousand nine hundred and forty-one, M. W. Beckwith, from precinct Number one; J. S. McNeill, from precinct Number two; Mrs. T. A. Lyon, from precinct Number three; T. M. Hunter, from precinct Number four; Mrs. W. T. Rainey, from precinct Number five; and Mrs. J. D. DeVane from the district at large.

On the first Monday in June, one thousand nine hundred and forty-three, J. M. Cole, from precinct Number one; A. E. Dixon, from precinct Number two; E. M. Lewis from precinct Number three; Mrs. K. Stein, from precinct Number four; Dr. R. M. Olive from precinct Number five; and W. C. Downing from the district at large.

All members of the Board of Trustees shall serve until their successors are duly elected and qualified."]

Power of Board to sell and convey property.

Sec. 5. That the Board of Trustees of the Fayetteville Graded Schools are hereby authorized and empowered to sell and convey, at public sale, any and all property, real or personal, which it may own and not need for school purposes; and to execute deed or deeds therefor, in the manner provided by Chapter three hundred and eighty-two of the Public Laws of one thousand nine hundred and three. The said board of trustees is also authorized and empowered to borrow money needed for school purposes; to execute note or notes for the sum or sums so borrowed, and to execute mortgages or deeds of trust upon property not used for school purposes to secure the payment of such note and notes. All deeds, deeds of trust, mortgages or other conveyances heretofore executed by the chairman and secretary of said board, and attested with the corporate seal, be and they are hereby approved and confirmed.

Power to borrow money.

Conveyances heretofore executed, confirmed.

Conflicting laws repealed.

Sec. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1941.

1953--CHAPTER 1028

AN ACT TO AMEND CHAPTER 204 OF THE PUBLIC-LOCAL LAWS OF 1941 PERTAINING TO THE BOARD OF TRUSTEES OF THE FAYETTEVILLE GRADED SCHOOLS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 204, Public Local Laws of 1941 is hereby amended as hereinafter set forth.

Sec. 2. Section 2 of said Act is amended by striking out the word "four" in the last sentence and substituting therefor the word "six".

Sec. 3. Section 3 of said Act is amended by striking out the words "to elect one member of the Board of Trustees from each of the five voting precincts, as described in Section two, and one member at large," and substitute therefor the words "to elect four members of the Board of Trustees."

Sec. 4. Section 4 of said Act is amended to read as follows:

"The terms of the present Board of Trustees of the Fayetteville Graded Schools shall expire as follows: On the first Monday in June, 1953, G. L. Griffin, J. S. McNeill, J. M. Harry and Mrs. W. H. Marsh; on the first Monday in June, 1955, Rupert E. Bullard, Mrs. Allie Atkinson, J. A. Johnson and J. W. Hensdale; on the first Monday in June, 1957, L. L. Rouse, Leon Fleishman, Mrs. Harry Stein, and Neill A. Currie, Jr.

"All members of the Board shall serve until their successors are duly elected and qualified."

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of April, 1953.

1963—CHAPTER 360

AN ACT TO AMEND CHAPTER 173 OF THE PRIVATE LAWS OF 1927, AS AMENDED, RELATING TO THE CHARTER OF THE FAYETTEVILLE GRADED SCHOOLS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 173 of the Private Laws of 1927, as amended by Chapter 204 of the Public-Local and Private Laws of 1941, as further amended by Chapter 1028 of the Session Laws of 1953 pertaining to the Charter of the Fayetteville Graded Schools, be, and the same is, hereby amended in the manner hereinafter set out.

Sec. 2. The Fayetteville City Board of Education (formerly known as the Trustees of the Fayetteville Graded Schools), shall consist of twelve members who, at the time of their election, shall be bona fide residents of, and qualified voters in, the area from which they are elected. There shall be two members elected from each of the four areas hereafter described, in the Fayetteville City School District in Cumberland County and four members elected at large from the whole school district without regard to area residence. Any territory heretofore or hereafter added to the school district in the manner provided by law shall be considered a part of the area to which it is contiguous. The terms of office of the members of the Fayetteville City Board of Education to be hereafter elected shall be six (6) years commencing from the first Monday in June of the year in which they are elected. The four areas now constituting the school district are as follows:

AREA #1. Beginning at the intersection of the Cape Fear River and the southern city limits, same being Belt Boulevard Extended, and running thence with the city limits and Belt Boulevard to the Wilmington Road otherwise known as Highway #87; thence with Highway #87 to Gillespie Street; thence with Gillespie Street northwestwardly to the Market House; thence with Green Street and Ramsey Street otherwise known as U. S. #401 northwestwardly to the intersection of Law Road, same being also the present city limit line; thence with the city limit line eastwardly crossing Evans Pond and following its outlet to the Cape Fear River; thence with the river to the beginning.

AREA #2. Beginning at the Market House and running thence with Hay Street and Morganton Road westwardly to the intersection of Morganton Road and the Headwaters of Branson Creek; thence with Branson Creek southeastwardly to its intersection with the city limit line; thence continuing with the city limit line southeastwardly to the Aberdeen and Rockfish Railroad where it crosses Raeford Road; thence with Raeford Road to its intersection with Fairway Drive, same being also the city limit line; thence following the present city limit line along Fairway Drive to the Highland Country Club and skirting the northern margin of the Highland Country Club to the intersection of the city limit line and Branson Creek at the eastern edge of Forest Lake; thence northeastwardly along a line parallel to and 200 feet northwest of Turnpike Road to the intersection of such line with Ellis Street Extended; thence with Ellis Street to a point 150 feet East of the Bradford Avenue intersection; thence a direct line to the intersection of Pine and Winslow Streets; thence with Winslow Street to its intersection with Driver Street; thence eastwardly to the intersection of Blounts Creek and the ACL spur track; thence continuing with Blounts Creek to its intersection with Gillespie Street; thence northwestward with Gillespie Street to the beginning point at the Market House.

AREA #3. Beginning at the intersection of Hay Street and Oakridge Avenue and running northwestward with Oakridge Avenue and Oakridge Avenue Extended to Bragg Boulevard; thence westwardly with Bragg Boulevard crossing the intersection of Glenwood Drive to the bed of a stream lying between Westmont and Glenwood Drives; thence with the bed of the stream northeastwardly to Glenville Lake; thence with Glenville Lake and Little Cross Creek westwardly to N. C. Highway #59; thence with it southwestwardly to Cain Road; thence with Cain Road eastwardly to Clarks Pond #1; thence crossing Clarks Pond #1 and Clarks Pond #2 and following the channel of the connecting creek westwardly to the city limit line about 100 feet West of Northhill Road; thence with the city limit line and a direct extension thereof southwestwardly to N. C. Highway #87 and otherwise known as Bragg Boulevard; thence eastwardly to a point halfway between Stamper Road and Elm Street; thence southwestwardly to a corner of the city limit line and following the city limit line to Hybarts Branch; thence with it to Morganton Road; thence with Morganton Road and Hay Street eastwardly to the beginning point at the corner of Hay Street and Oakridge Avenue.

AREA #4. Beginning at the Market House and running northwestward with Green Street and Ramsey Street, otherwise known as U. S. #401, to the intersection of Bartow Drive, same being also a corner of the present city limits; thence with the present city limits to a corner just South of the intersection of the Rose Hill Road and Country Club Drive; thence continuing with the city limits line southeastwardly to the intersection of a branch coming from Lafayette Memorial Park; thence westwardly to the intersection of Gola Drive and Primrose Drive; thence along Gola Drive and Gola Drive Extended to a point 150 feet northwest of Jasper Street; thence with a line parallel to and 150 feet northwest of Jasper Street and Butler Street to its intersection with the Murchison Road; thence crossing Murchison Road and running southwestwardly along a line parallel to and 200 feet northwest of Pennsylvania Avenue to Little Cross Creek; thence with it to a point in Glenville Lake about 500 feet South of the intersection of Church and Council Streets; thence southwestwardly crossing Glenville Lake and following the bed of a stream which constitutes one of its tributaries in a southwestwardly direction to its intersection with Bragg Boulevard; thence with Bragg Boulevard eastwardly to the intersection of Oakridge Avenue Extended; thence with Oakridge Avenue Extended and Oakridge Avenue to the beginning.

Sec. 3. On the first Tuesday after the first Monday in May, 1965, and biennially thereafter, or at the time for the regular election of the Mayor and City Council of the City of Fayetteville, an election shall be held by the qualified voters residing within the boundaries of the school district to elect four members of the Fayetteville City Board of Education. Such election shall be held under the same rules and regulations governing the election of the Mayor and City Council of the City of Fayetteville and the same registrars and judges of election who serve in the city election shall likewise serve in the election of members of the Fayetteville City Board of Education. If no election shall be held for mayor or city council, the Fayetteville City Board of Education may cause said election to be held at said time, appoint the necessary judges and registrars and give such notice as may be required by law. Such election shall be held in the same manner and under the same rules as are now or may hereafter be provided for the election of the mayor and city council aforesaid.

Sec. 4. The terms of office of the present members of the Fayetteville City Board of Education shall expire as follows:

(a) On the first Monday in June, 1965, Mrs. Dan S. Currie, Jr., (Area #3), Dr. John M. Harry (Area #4), Luther B. Black (At Large), and one member to be elected at the next city election from Area #3.

(b) On the first Monday in June, 1967, Allie Atkinson (Area #1), Rupert E. Bullard (Area #1), J. W. Hensdale (At Large), and J. Mel Thompson (At Large).

(c) On the first Monday in June, 1965, J. Harvey Oliver, Jr. (Area #4), L. L. Rouse (Area #2), Mrs. Harry B. Stein (Area #2), and Neill A. Currie, Jr. (At Large).

All members of the Fayetteville City Board of Education shall serve until their successors are duly elected and qualified.

Sec. 5. Nominations of candidates for members of the Fayetteville City Board of Education shall be made by the qualified voters of the area from which they are to be elected, or by the qualified voters of the whole school district in the case of members at large. Such nominations may be made by primaries or conventions and under such rules and regulations as the Fayetteville City Board of Education may provide, but due notice shall be given of the time, place and manner of making such nominations. Whenever a vacancy occurs in the membership of said board, other than by the expiration of the term of office, the board itself shall fill the vacancy by majority vote for the unexpired term at one of its regular meetings, subject to the provisions of this Act as to the residence and qualifications of members of the board.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of May, 1963.

FRANKLINTON

1905—Chapter 352.

AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN OF FRANKLINTON.

The General Assembly of North Carolina do enact:

Graded school district established.

Boundaries.

Section 1. That the following described territory situate in Franklin County and including the town of Franklinton shall be and the same is hereby constituted a public school district to be known as the Franklinton Graded School District: Beginning on Cedar Creek at the point where the township lines of Franklinton and Freeman's Townships join said creek, thence westward along said township line to the Seaboard Air Line Railway; thence in a straight line to where the road from Franklinton to Pope's Chapel crosses Cedar Creek, near the S. P. Lowry place; thence up said creek to line of the Norman Long estate; thence northward along said Long line and to the Hillsboro Road; thence northward to the road from Franklinton to Horton's Mill at the point where the road to S. C. Vann's place, "Green Hill," branches off from said Morton's Mill Road; thence along said Green Hill Road to line between I. H. Kearney and S. C. Vann; thence along line of said S. C. Vann to Taylor's Creek; thence down said creek to Dr. Hal Harris' northern line; thence eastward along said Dr. Hal Harris' line to the line of the Dr. Person place; thence northward along the Dr. Person line to J. H. Wilder's line; thence eastward along said Dr. Person line and across the Seaboard Air Line Railway to the Thomas corner of the Dr. Person place and the Fenner Tharrington land; thence southeast to Billy's Creek at the Duke crossing; thence eastward to road from W. D. Spruill's to Perry's Chapel at the southern line of the Widow Gill place; thence southward along said road to Cedar Creek: thence up said Cedar Creek to the beginning.

Bond issue authorized.

Amount.

Description of bonds.

Not to be sold below par.

Application of proceeds.

Proviso: bonds issued as required.

SEC. 2. That the board of graded school trustees, hereinafter provided for, shall be and are hereby authorized and empowered to issue bonds of said graded school district to an amount not exceeding ten thousand dollars, of such denomination and of such proportion as said board of trustees may deem advisable, bearing interest from the date thereof at a rate not exceeding six per centum per annum, with interest coupons attached, payable semi-annually, at such time or times and at such place or places as may be deemed advisable by said board of trustees; said bonds to be of such form and tenor, and transferable in such way, and the principal thereof payable or redeemable at such time or times not exceeding forty years from the date thereof, and at such place or places as said board of trustees may determine; none of said bonds shall be disposed of by sale, exchange, or otherwise for a less price than their par value, and the proceeds arising from the sale thereof shall be expended by said board of trustees in providing such school buildings as may be required and in furnishing and equipping the same, and for no other purpose: *Provided*, that said board of trustees may issue such bonds at such time or times, and in such amount or amounts, as may be required to meet the expenditures above provided for.

Special tax.

Limits.

Assessment of railroad property.

SEC. 3. That for the purpose of providing for the payment of said bonds and the interest thereon, and of defraying the expenses of the public graded schools provided for in this act, the Board of County Commissioners of Franklin County shall, annually, and at the time of levying the county taxes, levy and lay a special tax on all persons and property subject to taxation within the limits of said graded school district on which said board of commissioners may now or hereafter be authorized to lay and levy taxes for any purpose whatever; said special tax to be not less than twenty-five cents and not more than thirty-five cents on the one hundred dollars assessed valuation of property, and not less than seventy-five cents and not more than one dollar and five cents on each taxable poll, the constitutional equation between poll and property to be maintained. Said taxes shall be collected by the Sheriff of Franklin County at the time and in the manner and with the same powers and authority that the county taxes are collected, and shall be paid over to the treasurer of the said board of graded school trustees. For the purpose of aiding in the listing of the taxes for said district it shall be the duty of the secretary of said board of graded school trustees, before June first of each year, to report to the Corporation Commission the number of miles of each railroad, telegraph and telephone line in said district, and the said Corporation Commission shall notify said secretary, or the proper tax-lister, the value assessed for taxation on each line in said district, and such valuation shall be entered on the tax list of said district and the taxes thereon estimated and collected as provided for taxes on other property.

Bonds and tax to be voted on.

SEC. 4. That the provisions of sections two and three of this act shall be submitted to a vote of the qualified voters of said graded school district at an election to be held on a day to be designated, as soon as practicable after the ratification of this act, by the

Registrar and pollholders.
Law governing election.
Form of ballots.
Proviso: further elections.

Board of County Commissioners of Franklin County. For said election the said county commissioners shall appoint one registrar and two pollholders, who shall conduct said election in the manner and under the rules prescribed for the election of members of the General Assembly, and shall report the result thereof to said county commissioners; no other report or canvass to be required. Such report shall be entered on the records of the said county commissioners, and after thirty days from such enrollment such record shall not be open to attack, but shall be held and deemed conclusive evidence of the truth of the facts therein recited. In the election above provided those voters approving the issue of bonds and the levy of the tax as provided in sections two and three of this act shall cast ballots having written or printed thereon the words "For Graded Schools": those disapproving the same shall cast ballots having written or printed thereon the words "Against Graded Schools." If a majority of the qualified voters of said district shall vote "For Graded Schools," bonds shall be issued and a special tax levied as prescribed in sections two and three of this act: *Provided*, that if a majority of said qualified voters shall fail to vote for graded schools said board of county commissioners shall order another election or elections to be held as above provided at any time or times within five years of the date of the first election, when requested to do so by the said board of graded school trustees: the effect of such election to be the same as provided in the election first called.

Trustees appointed.
Terms of office.
Successors.
Vacancies.
Proviso: trustees not officers.

SEC. 5. That C. S. Williams, S. C. Vann, E. J. Cheatham, W. L. McGhee, I. H. Kearney, H. E. Pearce, I. G. Staunton, R. O. Purnell and W. F. Joyner are hereby constituted a board of trustees for the public schools of said graded school district. From the first Monday in May, one thousand nine hundred and five, the first three shall hold office for six years, the next three for four years, and the last three for two years. Their successors shall be elected for six years, except in case of vacancies caused otherwise than by expiration of term: such vacancies to be filled for the unexpired term. All vacancies, however caused, shall be filled by the remaining members of the board of trustees: *Provided*, that the position of trustee shall not constitute an office within the meaning of article seven, section fourteen, of the Constitution of North Carolina.

Trustees incorporated.
Corporate name.

SEC. 6. That the said board of trustees and their successors shall be and are hereby constituted a body corporate by the name and style of "The Board of Graded School Trustees of Franklinton," and by that name may sue and be sued, make contracts, acquire real and personal property by gift, purchase or devise; hold, exchange and sell the same, and exercise such other rights and privileges as are incident to other corporations.

Duties of trustees.
Pupils over age or non-resident.
Superintendent.

SEC. 7. That it shall be the duty of the said trustees to establish and maintain a system of public schools for the children of school age resident in said district. They shall have exclusive control of such schools, shall prescribe rules and regulations for their conduct, employ, fix the compensation and dismiss the officers and teachers therein, and exercise all powers that may be needful for the proper and successful operation thereof: they may admit pupils over twenty-one years of age, and from outside districts, upon such terms as they may deem proper; may elect a superin-

School census.
Annual reports.

tendent and delegate to him such powers as may be needed for a proper supervision of the schools: shall cause to be taken as required by the general law an accurate school census, shall make annual reports of the operation of the schools to the County Board of Education of Franklin County and as may be required by the State Superintendent of Public Instruction.

Treasurer.
Bond of treasurer.

SEC. 8. That the said board of trustees shall elect a treasurer, who may or may not be one of their number, and who shall give bond in an amount equal to the moneys coming into his hands annually: a chairman, and secretary, and shall prescribe the duties of each. The said treasurer shall pay out the funds which may come into his hands for said graded schools only upon the warrant of the chairman and secretary of said board of trustees.

Enlargement of district.
Petition for enlargement.
Proceedings on petition.
Proviso: territory to be added.

SEC. 9. The limits of the said graded school district may at any time be enlarged and new territory included therein upon a vote of a majority of the qualified voters in said additional territory, held and made as follows: A petition shall be prepared definitely stating by ascertainable bounds the territory proposed to be added. Such petition shall be signed by a majority of the voters resident in said additional territory whose names appear on the registration books of Franklinton or Freeman's Township as used in the preceding general election; the signature of any voter to be counted the vote of such person affixing his name to the said petition. This petition shall be presented to the said board of trustees, accompanied by a list of all the voters in said territory, the correctness of which to be attested by the affidavit of some reputable freeholder of Franklinton Township. The said trustees, if they approve the addition of such territory, shall thereupon cause to be posted in some public place in the town of Franklinton for thirty days a notice of the filing of such petition. At the expiration of the thirty days notice this petition shall be presented to the Board of County Commissioners of Franklin County. The said commissioners shall have the power to hear and determine challenges to right of persons whose names are signed to said petition to vote under the same rules as apply to challenges in election of members of the General Assembly, and shall have the power to correct, upon proper evidence, the list of voters resident therein. A residence in said territory of at least sixty days immediately preceding shall be necessary to entitle any one to vote as above, in addition to the qualifications required by law. If it shall appear that a majority of the qualified voters of such additional territory have signed such petition, then the said board of commissioners shall order the territory therein described to be included in said graded school district, and upon such order the said additional territory shall be subject to all the provisions of this act in the same manner and to the same extent as if definitely described and included hereby, and at the next general tax levy the same tax shall be levied and collected on the persons and property therein as on the property and persons in the original district: *Provided*, that no territory shall be added except such territory as adjoins and is contiguous to the said district at the time of the filing of the petition.

School funds paid to treasurer.

SEC. 10. That all funds derived from the State and county for said public school district shall be paid to the treasurer of said board of trustees by the treasurer of the county.

Sec. 11. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 4th day of March, 1905.

GOLDSBORO

1881.—CHAPTER 189.

AN ACT TO ESTABLISH GRADED SCHOOLS IN GOLDSBORO TOWNSHIP IN WAYNE COUNTY.

The General Assembly of North Carolina do enact:

Election to be held in Goldsboro township on May 2nd, 1881, upon question of taxation for graded schools.

Amended, P.L. 1887, ch. 382, § 1

SECTION 1. That the board of commissioners of the county of Wayne are hereby authorized to submit to the qualified voters of Goldsboro township, in said county, on the first Monday in May, one thousand eight hundred and [eighty-one] under such rules and regulations as said board may prescribe, whether an annual tax shall be levied therein for the support of a graded public school for the white children and a graded public school for the colored children in said township. Each voter shall vote a written or printed ballot with the words "for school" or "no school," and said election shall be conducted under the same rules, regulations and penalties as are prescribed by law for the election of members of the general assembly.

Ballots.

Election, how held.

SEC. 2. That in case a majority of the qualified voters of said township shall be in favor of such tax, the same shall be levied and collected in the same manner as provided by law for levying and collecting state and county taxes. And the sheriff of Wayne county shall collect

If majority vote in favor of tax, tax to be levied.

Sheriff to collect

and pay to county treasurer.
Proviso.

Amended,
P.L. 1887,
ch. 382, § 2

and pay over the same to the county treasurer, under the same liabilities as are now provided by law for the collection and paying over of county school taxes: *Provided*, That the special tax so levied and collected shall not exceed [one-fifth] of one per centum on property and [sixty cents] on the poll.

Sections 3-7 deleted by P. L. 1887, ch. 382, §3

Bond of county treasurer responsible for proper disbursement of moneys collected under this act.

SEC. 8. That county treasurer of said Wayne county and his sureties on his official bond shall be responsible for the proper disbursement of all moneys collected under this act.

No trustee to be a teacher.

SEC. 9. That no trustee of either of said graded schools shall, while acting as such, be a teacher therein.

SEC. 10. This act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1881.

1887.—CHAPTER 382.

An act to amend chapter one hundred and eighty-nine of the laws of one thousand eight hundred and eighty-one, relating to the Goldsboro graded schools.

The General Assembly of North Carolina do enact:

Chapter 189, laws 1881, amended.

Election on question of taxation to be held on first Monday in May, 1887.

SECTION 1. That section one of chapter one hundred and eighty-nine of the laws of one thousand eight hundred and eighty-one be amended by striking out in line five the words "eighty-one" and inserting in lieu thereof the words "eighty-seven."

Special tax not to exceed one-third of one per cent. on property and one dollar on poll.

SEC. 2. That section two of said chapter be amended by striking out the words "one fifth" in line ten and inserting in lieu thereof the words "one third," and by striking out the words "sixty cents" in same line and inserting in lieu thereof the words "one dollar."

Certain sections stricken out.

SEC. 3. That sections three, four, five, six and seven be stricken out.

Special tax, how expended.

SEC. 4. That the special taxes thus levied and collected shall be expended in keeping up separate graded schools for the white and colored childen in said township between the ages of six and twenty-one years; and the schools for each race herein provided for shall have the same length of school terms.

Board of trustees.

Amended,
P.L. 1937,
ch. 477, § 1

[SEC. 5. That the following persons shall constitute the board of trustees for said graded schools, and shall hold office for the time following their names, to-wit: J. A

Bonitz, W. F. Kornegay and Henry Lee for two years from the date of such election; E. B. Borden, H. L. Grant and D. Creech for four years from said date; and C. B. Aycock, J. W. Bardin and Henry Weil for six years from said date; and all vacancies occurring in said board of trustees from any cause shall be filled by the board of election for Wayne county for the term of six years, except in case of death or resignation, and in either of these cases for the unexpired term of the trustee so dying or resigning. Said board of trustees shall have power to employ and fix the compensation of a superintendent for all or either of said schools, and such teachers as are necessary, and to do all such acts as are necessary to carry on said schools.]

Vacancies.

Trustees to employ superintendent and teachers, fix compensation, &c.

Public school money.

Sec. 6. That the public school money of said township which shall from time to time be apportioned shall be paid over to the board of trustees and shall be applied to the purposes of said schools.

Conflicting laws repealed.

Sec. 7. That all laws or parts of laws in conflict with this act are hereby repealed.

Sec. 8. That this act shall be in force from its ratification.

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

1937—Chapter 477

AN ACT TO AMEND CHAPTER THREE HUNDRED EIGHTY-TWO OF THE LAWS OF NORTH CAROLINA, SESSION OF ONE THOUSAND EIGHT HUNDRED EIGHTY-SEVEN RELATING TO THE GRADED SCHOOLS OF GOLDSBORO TOWNSHIP IN WAYNE COUNTY.

The General Assembly of North Carolina do enact:

Ch. 382, Laws, 1887, amended.

Section 1. That section five, chapter three hundred eighty-two of the laws of North Carolina, session of one thousand eight hundred eighty-seven, be, and the same is hereby, amended to read as follows:

"Sec. 5(a). That John D. Langston, W. A. Dees, Lionel Weil, Mrs. J. N. Johnson, Mrs. R. Jack Smith, Frank B. Daniels, Arnold B. Edgerton, David J. Rose and W. G. Britt, and their successors in office, be, and they are hereby, constituted a body politic and corporate, under the name and style of Trustees of the Goldsboro Graded Schools, located in the City of Goldsboro, in Wayne County and under such name and style may sue and be sued, plead and be impleaded, and do and perform all such acts as pertain to bodies politic and corporate. That the first three persons named herein shall serve until June thirtieth, one

Trustees of Goldsboro Graded School, named.

Body politic and corporate.

Powers.

Staggered terms.

Successor appointments.

Vacancy appointments.

thousand nine hundred thirty-nine, and until their successors are elected and qualified; that the next three persons named herein shall serve until June thirtieth, one thousand nine hundred forty-one, and until their successors are elected and qualified; and the last three persons named herein shall serve until June thirtieth, one thousand nine hundred forty-three, and until their successors are elected and qualified. That as the terms of the members of said Trustees of the Goldsboro Graded Schools shall expire the County Board of Education of Wayne County shall appoint three members of said trustees to serve for a term of six years and until their successors are elected and qualified. That in case of the death or resignation of any trustee, the said County Board of Education of Wayne County shall appoint a member to serve for the unexpired term of such member so dying or resigning.

Employment and compensation of superintendent, teachers, etc.

"(b). That the said Trustees of the Goldsboro Graded Schools shall have power and authority to employ and fix the compensation of a superintendent, teachers, janitors and such other employees as are necessary, and shall also have power and authority to do and perform all other acts and things necessary or expedient for the maintenance and conduct of said schools."

Acts of persons purporting to act as Trustees of Goldsboro Graded Schools, validated.

SEC. 2. That all acts of the Trustees of the Goldsboro Graded Schools, and all acts of those persons who have purported to act as such trustees, heretofore done or performed in the maintenance and conduct of said schools are hereby, in all respects, approved and validated.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are, to the extent of such conflict, hereby repealed.

SEC. 4. That this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of March, A.D. 1937.

GREENSBORO

1943—CHAPTER 680

AN ACT TO PERMIT THE BOARD OF COUNTY COMMISSIONERS OF GUILFORD COUNTY, THE TAX LEVYING AUTHORITIES OF GREENSBORO CITY ADMINISTRATIVE UNIT TO LEVY AN ADDITIONAL TAX UPON THE PROPERTY IN SAID ADMINISTRATIVE UNIT FOR THE MAINTENANCE OF PLANT AND FIXED CHARGES THEREIN.

Preamble: Insufficient revenue for upkeep of property of Greensboro City Administrative Unit.

WHEREAS, the revenue available for the maintenance of plant and fixed charges has at times in the past been insufficient for the proper upkeep and maintenance of the buildings and grounds of Greensboro City Administrative Unit and the same condition may continue, or recur in the future: Now, therefore,

The General Assembly of North Carolina do enact:

Special tax for such purpose authorized.

SECTION 1. That when in the opinion of the Trustees of Greensboro City Administrative Unit, the funds applicable to said administrative unit, derived from fines, forfeitures, penalties, dog taxes and poll taxes and all other sources except State funds directed by the laws of North Carolina to be used for maintenance of plant and fixed charges, is insufficient for the proper upkeep and maintenance of the grounds and buildings of said administrative unit, the Board of Commissioners of Guilford County, when requested to do so by the trustees of said administrative unit may levy upon all property, real and personal, having a taxable situs within the said administrative unit, a tax, not exceeding four cents on each one hundred dollars of valuation, and said tax shall be used for no purpose other than the proper upkeep and maintenance of the grounds and buildings of said administrative unit.

Approval of State School Commission required.

SEC. 2. That the levy of the tax in above section provided shall not be made until and unless same has been approved by the State School Commission, or other body having lawful supervision of the public schools of North Carolina.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from its ratification.

Ratified this the 8th day of March, 1943.

1949—CHAPTER 385

AN ACT RELATING TO THE SCHOOLS OF THE GREENSBORO CITY ADMINISTRATIVE UNIT AND TO THE GOVERNING BODY THEREOF.

The General Assembly of North Carolina do enact:

Purpose of Act: Code for schools of Greensboro City Administrative Unit.

SECTION 1. Purpose of Act. The purpose of this Act is to enact a code for the schools of the Greensboro City Administrative Unit, to consist of such existing Public-Local Laws relating to the schools as are designated herein, together with such modifications and additional provisions as are hereinafter set out.

Title: Greensboro Public School Code.

SEC. 2. Title. The title of the code provided by this Act is the Greensboro Public School Code. As used in this Act the word "code", unless a different meaning is indicated by the context, means the Greensboro Public School Code.

Designation of Public-Local Laws included in code.

SEC. 3. Designation of Public-Local Laws included. The designated portions of the Public-Local Laws hereinafter referred to in this Section, with such amendments thereto as are hereinafter set out, constitute portions of the code as indicated:

Amended, S.L. 1949, ch.968

(1) Sections 2 to 8, both inclusive, of House Bill No. 40, ratified the [last day of February, 1949] are hereby renumbered in numerical order as Sections 9.1 to 9.7, both inclusive, of the code, and are hereby amended to read as set out in such renumbered Sections as they appear hereinafter in the code.

Amended, S.L. 1949, ch.968

(2) Sections 1 to 4, both inclusive, of Senate Bill No. 6, ratified the third day of February, 1949, are hereby renumbered in numerical order as Sections 12.1 to 12.4, both inclusive, of the code, and are [hereto] amended to read as set out in such renumbered Sections as they appear hereinafter in the code.

Greensboro Public School Code.

SEC. 4. The Code. The Greensboro Public School Code is as follows:

GREENSBORO PUBLIC SCHOOL CODE.

General provisions.

Art. 1. General Provisions.

Definitions.

Section 1.1. Definitions. As used herein—

(a) "Board", unless a different meaning is indicated by the context, means [the governing body of the Greensboro City Administrative Unit].

Amended, S.L. 1955, ch. 1228 §1

(b) "District" and "school district" mean the Greensboro City Administrative Unit.

(c) "Greensboro public schools" and "schools" mean the public school system operated in the Greensboro City Administrative Unit.

SEC. 1.2. Area comprised in district. In 1933 the Greater Greensboro School District, which was created by Chapter 77 of the Private Laws of 1927, was abolished as a special-charter district by Section 4 of Chapter 562 of the Public Laws of 1933. The same year, pursuant to the provisions of the latter Act, there was created a new district having the same boundaries as the Greater Greensboro School District formerly had, and the new district was classified as a city administrative unit and was designated as the Greensboro City Administrative Unit. The Greensboro City Administrative Unit now consists of the district originally designated as such, together with such additions thereto as have subsequently been made pursuant to the provisions of the school laws.

Area comprised in district.

SEC. 1.3. Powers of board not limited to those conferred by this Act. The powers herein conferred upon the board are in addition to the powers otherwise conferred upon the board by general or local laws.

Powers of board not limited to those conferred by Act.

SEC. 1.4. Public-Local Laws relating to Greensboro Public Schools.

Public-Local Laws relating to Greensboro Public Schools.

(a) The following Public-Local Laws relating to the Greensboro Public Schools, although not included in this code, shall remain in effect:

(1) Chapter 680 of the 1943 Session Laws, which is entitled, "An Act to Permit the Board of County Commissioners of Guilford County, the Tax Levying Authorities of Greensboro City Administrative Unit, to Levy an Additional Tax upon the Property is Said Administrative Unit for the Maintenance of Plant and Fixed Charges Thereon."

(2) Chapter 396 of the 1947 Session Laws, which is entitled, "An Act Providing for the Levy, Collection, and Distribution of Taxes in Guilford County for the Retiring of Capital Outlay Indebtedness Incurred in the Erection of School Houses."

(b) The foregoing enumeration of certain Public-Local Laws relating to the Greensboro Public Schools shall not have the effect of repealing any other Public-Local Law or Laws applicable to the Greensboro Public Schools.

Art. 2. Status of Board; Members; Officers.

[SEC. 2.1. Board as corporate body; seal. The governing body of the Greensboro City Administrative Unit is a body politic and

Board as corporate body; seal.

Amended,
S.L. 1955,
ch.1228 §1

corporate by the name of "The Board of Trustees of the Greensboro City Administrative Unit." In that name it may exercise all of the powers conferred upon it by law. The board may adopt, alter, and use a corporate seal.]

Membership of board; appointment; terms.

SEC. 2.2. Membership of board; appointment; term.

Amended,
S.L. 1959,
ch.186 §1

(a) The board is and shall be composed of seven members. [At the time of the enactment of this code the members of the board and the dates of expiration of their terms of office shall be as follows:

Amended,
S.L. 1949,
ch.968

Name of Member	Date of Expiration of Term
John R. Foster	April 1, 1949
Howard Holderness	April 1, 1949
Hal H. Jordan	April 1, 1950
Mrs. J. B. Pleasants	April 1, 1950
J. C. Cowan, Jr.	April 1, 1951
[D. C. Hudgins]	April 1, 1951
Raymond A. Smith	April 1, 1949]

The term of each of these persons as a member of the board shall continue until the date of expiration shown in this Subsection.

(b) The immediate and subsequent successors of the first six members named in Subsection (a) of this Section shall be appointed by the City Council of the City of Greensboro. The immediate and subsequent successors of the last member named in Subsection (a) shall be appointed by the Board of Education of Guilford County. Each member so appointed shall be appointed for a term of four years, beginning April first, and until his successor is appointed and qualifies.

Vacancies.

SEC. 2.3. Vacancies. If any vacancy occurs in the membership of the board as the result of the death or resignation of a member, or his removal from the school district, or otherwise, such vacancy shall be filled by the body (City Council of the City of Greensboro or the Board of Education of Guilford County) which appointed the member causing such vacancy, and the appointment shall be for the remainder of his term.

Eligibility for membership.

SEC. 2.4. Eligibility for membership. Only adult persons of intelligence and of good character who are known to be in favor of public education, and who are residents of the school district are eligible for appointment to membership on the board. There shall be no requirement as to the residence of any member of the board except that he reside within the school district.

SEC. 2.5. Qualification of members.

Qualification of members.

(a) No person appointed a member of the board after the effective date of this code may exercise any of the powers of membership until he has qualified by taking and subscribing the oath of office prescribed by Art. VI, Sec. 7, of the Constitution of North Carolina as follows:

Oath of office.

"I, ____________________, do solemnly swear (or affirm) that I will support and maintain the Constitution and Laws of the United States, and the Constitution and Laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as a member of [the Board of Trustees of the Greensboro City Administrative Unit] so help me, God."

Amended,
S.L. 1959,
ch.186, §1

(b) Such oath of office may be administered by the city superintendent of schools.

Compensation.

SEC. 2.6. Compensation. No compensation shall be paid members of the board.

Officers of board.

SEC. 2.7. Officers of board.

(a) The members of the board shall at the regular March meeting of the board each year, elect a chairman and a vice chairman of the board for a term of one year beginning the next April first. The officers so elected shall serve for a term of one year and until their successors are elected. If for any reason such election is not held at the regular March meeting of the board, it shall be held as promptly thereafter as practicable.

Ex-officio secretary.

(b) The city superintendent of schools shall be ex officio secretary of the board, [as provided by General Statutes 115-353.]

Amended,
S.L. 1959,
ch.186, §1

Assistant secretary.

(c) The board may at any time elect an assistant secretary to serve at the pleasure of the board. The person so appointed may be, but shall not be required to be, a member of the board. Any such assistant secretary may perform the duties of the secretary of the board when the office of secretary is vacant or when the secretary is absent from the district or for any other reason is unable to perform his duties as secretary.

Art. 3. Meetings of Board.

Regular meetings of board.

SEC. 3.1. Regular meetings. The board shall, by rule or otherwise, fix the time for holding regular monthly meetings. Any such monthly meeting need not be held when so ordered by the board.

Special meetings.

SEC. 3.2. Special meetings.

Written call of special meeting.

(a) The chairman of the board, or any two members of the board, or the vice chairman of the board when the chairman is absent from the district or for any reason is unable to act, may at any time call a special meeting of the board. Such call shall be made in writing, shall designate the time and place of the meeting, and shall be signed by the person or persons calling the meeting.

Copy of call to members of board.

(b) The person or persons calling any special meeting, or the secretary of the board at the direction of the person or persons calling the meeting, shall, not less than six hours prior to the time fixed for the meeting, cause a copy of the written call to be

(1) delivered to each member of the board other than the member or members calling the meeting, or

(2) left at his usual place of residence.

(c) It shall not be necessary to state in the call for a special meeting the purpose of the meeting, and any business may be transacted at a special meeting that might be transacted at a regular meeting.

Meetings when all members present or consent thereto.

SEC. 3.3. Meetings when all members present or consent thereto. A meeting of the board may be held at any time when all of the members of the board are present and consent thereto, or when such members as are not present consent in writing that such meeting may be held. Any business may be transacted at any such meeting that might be transacted at a regular meeting.

Adjourned meetings.

SEC. 3.4. Adjourned meetings. Any regular or special meeting of the board at which a quorum is present, and any adjourned meeting of either at which a quorum is also present, may adjourn to such time prior to the next regular meeting as may be fixed therefor by a majority of the members present at any such regular, special, or adjourned meeting. When the board adjourns to meet at the call of the chairman, the call for such meeting shall be executed and delivered as provided by Subsections (a) and (b), respectively, of Section 3.2 of this Article. If a regular, special, or adjourned meeting adjourns to meet at a time and place certain, no notice shall be required of such later meeting.

SEC. 3.5. Place of meeting.

Place of meeting.

(a) All regular and special meetings of the board shall be held at such place as may be fixed by the board as the administrative offices of the board; but any regular or special meeting having a quorum of the board present may adjourn to any other place within the school district, and any such adjourned meeting, at which a quorum is present, may, in turn, adjourn to such place within the school district as may be fixed therefor by a majority of the members present at such meeting.

(b) If any meeting which is required or scheduled to be held at the administrative offices of the board cannot, because of its destruction or for any other reason, be held at such place, such meeting shall be held at such other place in the school district as may be designated by the chairman of the board, or by the vice chairman when the chairman is absent from the district or for any reason is unable to act.

Quorum.

SEC. 3.6. Quorum. Four members shall constitute a quorum for any meeting of the board.

Rules of procedure.

SEC. 3.7. Rules of procedure. The board shall have authority to make rules of procedure for its meetings, including, without limitation, rules designating the matters for which a roll-call vote shall be required, and to amend or repeal any such rule.

SEC. 3.8. Minutes. The board shall cause its secretary to keep minutes of all of its meetings. Every resolution and motion, which is adopted by the board and every order which is made by the board and which is not set out in full in the minutes shall be filed in an exhibit book and by proper reference shall be made a part of the minutes. When the minutes of any meeting are approved by the board at a subsequent meeting, the minutes shall be signed by the person acting as chairman and the person acting as secretary at the meeting at which such approval is given.

Minutes.

Art. 4. Employees of the Board; Legal Counsel.

SEC. 4.1. Time of election. With the exception of the city superintendent of schools, principals, and teachers, the election of whom is governed by general law, such employees as are elected by the board may be elected at such times as the board may determine.

Election of employees of Board.

SEC. 4.2. Election upon recommendation of city superintendent. Only persons nominated by the city superintendent of schools may be elected by the board to any position in the school district, but the board may reject any nomination made by the city superintendent, in which case he shall submit another nomination.

Election upon recommendation of city superintendent.

[SEC. 4.3. Election of treasurer and certain other employees. Upon nomination by the city superintendent of schools, the board shall elect a treasurer, and it may elect a business manager, a director of purchase and contract, an assistant superintendent of schools, and such other employees as it may deem advisable]

Election of treasurer and certain other employees.

Amended,
S.L. 1969,
ch. 260

SEC. 4.4. Term. With the exception of the city superintendent of schools, principals, and teachers, employees elected by the board may be elected to serve at the pleasure of the board or for such terms as may be fixed by the board.

Terms of employees.

[SEC. 4.5. Board may delegate authority to employ certain employees. The board may delegate to the city superintendent of schools, the business manager, or such other employee or employees of the board as it may deem advisable, authority to employ and prescribe the duties of such employees or classes of employees, other than principals and teachers, as the board may designate, to fix their compensation within such limits as the board may prescribe, and to determine the terms or periods for which they shall be employed.]

Board may delegate authority to employ certain employees.

Amended,
S.L. 1969,
ch. 260

[] Amended (added),S.L. 1969, ch.260

SEC. 4.6. Attorney; other legal counsel. The board may employ an attorney to serve at the pleasure of the board and may pay such compensation for his services as it may deem proper. The board may also employ additional legal counsel whenever it may deem it necessary or advisable and may pay such compensation for services rendered by such counsel as it may deem proper.

Attorney for board.

Additional legal counsel.

Art. 5. Miscellaneous Powers and Duties of the Board.

Miscellaneous powers and duties of board.

SEC. 5.1. Powers in addition to others conferred by law. In addition to other powers conferred on the board by this code or by any other law or laws, the board shall have power:

(1) To make and enforce such rules not in conflict with the general law as it may deem advisable for the government and operation of the schools.

(2) To make and enforce such rules as it may deem advisable to protect and preserve the health of the pupils and the employees of the schools.

(3) To waive any defect in connection with any bid for construction or repair work or for the furnishing of apparatus, supplies, materials, or equipment when, in the opinion of the board, the defect is of a minor character, and the bid with respect to which such defect occurs is the bid of the lowest responsible bidder, taking into consideration quality and the time specified for the performance of the contract, and when, in the opinion of the board, it would be for the best interest of the schools to accept such bid notwithstanding such defect.

Fiscal affairs.

Art. 6. Fiscal Affairs.

SEC. 6.1. Bond of treasurer; bonds of other employees.

Bond of treasurer.

Bonds of other employees.

(a) The board shall require the treasurer to deliver to the board and to keep in effect a bond in the penal sum of twenty-five thousand dollars ($25,000.00) or such larger sum as the board may fix. The board may require such other employees as it may deem advisable to deliver to the board and to keep in effect bonds in such penal sums as it may fix.

Execution and condition of bonds.

(b) Each such bond shall be executed by the employee as principal and by a surety company authorized to do business in this State as surety. The bond shall be payable to the board, and the condition of the bond shall be that the employee will faithfully perform the duties of his position and that he will pay over and account for all funds coming into his hands by virtue of his position.

Payment of premiums.

(c) Premiums on such bonds required of employees shall be paid out of district funds.

Approval of bonds.

(d) Every bond required by the board of any of its employees shall be approved by the board, and a record of this approval shall be included in the minutes of the meeting at which approval is given.

Custodian of bonds.

(e) The board shall, by general rule or otherwise, designate the custodian or custodians of bonds required of its employees.

Checks or warrants for district funds.

SEC. 6.2. Checks or warrants for district funds.

(a) Checks or warrants for district funds shall be signed by the treasurer of the board and countersigned by the city superintendent of schools. The board may, however, designate some other person or persons who shall have authority to sign or countersign checks or warrants when the treasurer or the city superintendent of schools, as the case may be, is out of the district or is for any other reason unable to act.

(b) It shall not be necessary for the chairman of the board to sign or countersign any check or warrant on district funds, except in those cases where he is so authorized pursuant to the provisions of Subsection (a) of this Section.

(c) Except as provided by Sections 6.3 and 6.4 of this Article, no check or warrant on any district fund shall be countersigned by the city superintendent of schools or by any other person authorized to countersign checks or warrants except when the disbursement made by such check or warrant is for a purpose authorized by the budget and is within the unexpended balance of the budget appropriation from such fund.

(d) Any bank upon which any such check or warrant is drawn may pay such check or warrant when it is signed by any of the persons authorized by the board to sign, and countersigned by any of the persons authorized by the board to countersign, checks or warrants.

[] Amended (added) by S.L. 1959, ch.186 §1

Book fund and cafeteria fund.

SEC. 6.3. Book fund and cafeteria fund. The board shall each year adopt a budget for the book fund and a budget for the cafeteria fund. The expenditure of any unexpended balance of either fund during the budget year may, however, be authorized by the board notwithstanding the fact that such expenditure was not provided for by the budget.

Non-budget fund.

SEC. 6.4. Non-budget fund.

(a) The board shall create a special fund to which shall be credited the receipts from summer schools conducted by the board, veterans' education fees, tuition fees, rent for the use of buildings and grounds, and such other receipts as are not required by law to be credited to any of the budget funds provided for by the State school law.

(b) The board shall not be required to adopt a budget for this fund and the board may from time to time make such appropriations from the fund for such school purposes as it may deem proper.

Payment of compensation out of district funds.

SEC. 6.5. Payment of compensation out of district funds.

(a) Out of any local supplement the board may pay to any employee or employees of the Greensboro Public Schools such compensation, in addition to compensation paid such employee or employees by the State, as the board may deem proper. The board may also employ such employees, in addition to those provided for by the State allotment, as it may deem proper, and may pay their compensation out of any local supplement.

(b) In any case where the whole or any part of the compensation of any employee of the Greensboro Public Schools is payable out of any local supplement or out of any other district fund, such compensation may be paid in a lump sum or in such installments and at such time or times as the board may direct.

Payments in advance.

(c) The board may, when it deems it advisable for any reason, pay any part or parts of such compensation in advance. When the payment of any compensation in advance is authorized by the board a record thereof and of the reason therefor shall be set out in the minutes of the meeting of the board at which such authorization is given.

Sec. 6.6. Taxes for payment of bonded indebtedness and for local supplement.

Tax levy for payment of bonded indebtedness.

(a) The Board of Commissioners for the County of Guilford shall have the power and it shall be its duty to levy and have collected all of the taxes necessary to be levied and collected for the payment of the bonded indebtedness of the Greater Greensboro School District.

Tax levy for local supplements.

(b) The Board of Commissioners for the County of Guilford shall also have power and it shall be its duty to levy and have collected all of the taxes for the local supplements heretofore authorized and now in effect in the district.

Prior tax levies validated.

(c) All levies of taxes heretofore made in the district by the Board of Commissioners for the County of Guilford for the payment of the bonded indebtedness of the Greater Greensboro School District and for the local supplements in the district are hereby validated.

Insurance for pupils transported by bus.

Amended,
S.L. 1959
ch.186 §1
Amended
S.L. 1955
ch.1228 §1

Sec. 6.7. Insurance for pupils transported by bus. In order to provide for the pupils of the Greensboro Public Schools who are not covered by the provisions of [General Statutes 115-340 to 115-346] both inclusive, protection similar to that provided by those Sections, [the Board of Trustees of the Greensboro City Administrative Unit] may include in its budget such an amount as it may deem necessary to pay the premiums on insurance to provide such protection; and the Board of Commissioners for the County of Guilford may approve such budget item and may provide the necessary funds therefor.

[] Amended (added) by S.L. 1951, ch.707 §1

General provisions relating to property.

Art. 7. General Provisions Relating to Property.

Title to real property.

Amended,
S.L. 1955,
ch.1228 §1

Sec. 7.1. Title to real property vested in board. Title to all real property in the school district which is held for the benefit of the public schools of the district is hereby vested in [the Board of Trustees of the Greensboro City Administrative Unit] as a body politic and corporate.

Deeds to be kept by city superintendent.

Amended
S.L. 1969
ch. 260

[Sec. 7.2. Deeds to be kept by city superintendent. All deeds for real property belonging to the board shall, after registration, be kept in the custody of the city superintendent of schools as secretary of the board.]

SEC. 7.3. Execution of deeds and instruments relating to real property. Any deed or other instrument relating to real property, the execution of which is authorized by the board, shall be executed in the name of [the Board of Trustees of the Greensboro City Administrative Unit] by its chairman or vice chairman, attested by its secretary or assistant secretary, and sealed with its corporate seal.

[] Amended (added) by S.L. 1951, ch.707 §2

Execution of deeds and instruments relating to real property.

Amended, S.L. 1955, ch.1228 §1

Amended, (added) S.L. 1969, ch.260

[Art. 8. Condemnation of Property for School Purposes.

Condemnation of property for school purposes.

SEC. 8.1. Authority. Real property which is required for the construction of schoolhouses or other school buildings or for other school purposes in the school district, the compensation for which cannot be agreed upon by the owner or owners and the board, may be condemned.

Amended, S.L. 1951, ch.707 §3

SEC. 8.2. Procedure. The procedure for the condemnation of any such real property shall be as prescribed by General Statutes 115-85.

Procedure.

SEC. 8.3. Condemnation when member of board is interested.

Condemnation when member of board is interested.

(a) Whenever any member of the board is interested as owner, mortgagee, trustee, lessee, or otherwise in any real property required for school purposes in the school district, such property may be acquired by condemnation as provided by Section 8.2 of this Article; and failure or inability of the owner or owners and the board to agree upon a price therefor shall not be a condition precedent to the condemnation of such property.

(b) The condemnation of such property by the board shall not subject any member of the board interested therein as owner, mortgagee, trustee, or otherwise, to any civil or criminal liability, notwithstanding the provisions of General Statutes 14-234, if such member does not vote for the condemnation of such property.

SEC. 8.4. Amount that may be condemned. The ten-acre limitation provided by G. S. 115-85 shall not apply to the condemnation of property by the board, and such amount of land may be condemned in any case as in the opinion of the board is necessary or proper for the purpose for which condemnation is to be had.

Amount that may be condemned.

SEC. 8.5. Compensation of appraisers. When property is condemned pursuant to the provisions of Section 8.2 of this Article, the compensation of the appraisers shall be fixed by the Clerk of the Superior Court of Guilford County, shall be taxed as a part of the court costs of the condemnation proceeding, and shall be paid by the board out of district funds.]

Compensation of appraisers.

Art. 9. Sale and Exchange of Property.

Sale and exchange of property.

Property that may be sold.
Amended, S.L. 1953, ch.491 §1

[SEC. 9.1. Property that may be sold. Any real or personal property title to which is vested in the board and which in the opinion of the board is not needed for school purposes may be sold.]

Sale of personal property not exceeding $500 in value.
Amended, S.L. 1951, ch.707 §4

[SEC. 9.2. Sale of personal property not exceeding $500.00 in value. Any such personal property the value of which, in the opinion of the board, does not exceed five hundred dollars ($500.00), may be sold at private sale. No advertisement of any such sale is necessary, the sale is not subject to an upset bid, and the sale, when made pursuant to authority of the board, is final.]

Sale of personal property exceeding $500 in value.
Repealed, S.L. 1955, ch.1228 §1
Repealed, S.L. 1959, ch.186 §1

SEC. 9.3. Sale of personal property exceeding $500.00 in value. The sale of any such personal property the value of which, in the opinion of the board, exceeds five hundred dollars ($500.00), shall be made as provided by, and [shall be subject to all of the provisions of, General Statutes 115-86.] [ ]

Amended (added) by S.L. 1951 ch.707 §4

Sale of real property.

[SEC. 9.4. Sale of real property. The sale of any such real property shall be made as provided by, and shall be subject to all of the provisions of, General Statutes 115-86.]

Disposition of proceeds of sale.

SEC. 9.5. Disposition of proceeds of sale.

(a) The proceeds of any sale of personal property made pursuant to the provisions of Section 9.2 of this Article may be applied to such purpose or purposes incident to the operation of the Greensboro Public Schools as the board may direct or authorize.

Amended, S.L. 1959, ch. 186 §1
Amended, S.L. 1955, ch. 1228 §1

(b) The net proceeds of any sale of personal property made pursuant to the provisions of Section 9.3 of this Article and the net proceeds of any sale of real property made pursuant to the provisions of [Section 9.4 of this Article] may be applied, subject, however, to the approval of the Board of Commissioners for the County of Guilford, to such one or more of the following purposes as [the Board of Trustees of the Greensboro City Administrative Unit] may direct or authorize:

(1) The payment of any bonded indebtedness of the Greater Greensboro School District or of the Greensboro City Administrative Unit.

(2) The payment of any bonded indebtedness of the City of Greensboro created for school purposes.

(3) The purchase of any real or personal property for the Greensboro Public Schools.

(4) Any capital improvements for the Greensboro Public Schools.

(5) Any other purpose incident to the operation of the Greensboro Public Schools.

Exchange of personal property.

SEC. 9.6. Exchange of personal property. Any personal property title to which is vested in the board may, by direction or authorization of the board, be exchanged for other personal property.

Exchange of real property.

SEC. 9.7. Exchange of real property. Any real property title to which is vested in the board and which in the opinion of the board is not needed for school purposes may, subject, however, to the approval of the Board of Commissioners for the County of Guilford, be exchanged for other real property which in the opinion of the board is needed for school purposes.

Art. 10. Other Conveyances of Property; Easements; Licenses.

Conveyances for street or sidewalk purposes.

SEC. 10.1. Conveyances for street or sidewalk purposes. The board may convey any property for street or sidewalk purposes to:

(1) The State of North Carolina or any agency thereof, or to

(2) The City of Greensboro, or to

(3) Any other municipal corporation within or partly within the school district.

Easements.

SEC. 10.2. Easements. The board may grant an easement in any real property for water or sewer lines, or for public utility lines or pipes of any kind, either above or below ground, or for any other purpose that the board may deem advisable if, in the opinion of the board, such easement will not interfere with the proper use for school purposes of the property in which such easement is granted.

Licenses.

SEC. 10.3. Licenses. The board may grant a license for the temporary use of any real property for any purpose that the board may deem advisable if, in the opinion of the board, such license will not interfere with the proper use for school purposes of the property for which such license is granted.

Consideration; compliance with other laws.

SEC. 10.4. Consideration; compliance with other laws. Any conveyance, easement, or license authorized by this Article may be made or granted without any consideration therefor, or for such consideration as the board may deem proper, and without compliance with any other law relating to the sale or conveyance of school property.

Lease of property.

Art. 11. Lease of Property.

Property that may be leased.

SEC. 11.1. Property that may be leased. Any real property title to which is vested in the board may be leased or rented for a term not to exceed the period during which, in the opinion of the board, the property will not be needed for school purposes, but in no case for a term exceeding five years. Any original lease may contain a provision for the extension or renewal thereof, with the approval of the board, for an additional term not exceeding five years.

How lease made.

SEC. 11.2. How lease made. Any such lease may be made privately by the board or publicly after such notice is given in such manner and for such length of time as may be prescribed by the board.

Rent; disposition.

SEC. 11.3. Rent; disposition. Any such lease may be made for such rent as the board may deem advisable, and, in cases involving a proposed public or semi-public use of the leased premises, the board may agree upon a rent which is less than the actual rental value of the leased property. Any rent received by the board shall be credited to the non-budget fund provided for by Section 6.4 and may be used for such school purpose or purposes as the board may deem advisable.

Article not applicable to stadium.

SEC. 11.4. This Article not applicable to stadium. The provisions of this Article shall not apply to the lease of property for a stadium as provided by Article 12 thereof.

Validation of lease for public golf course.

SEC. 11.5. Validation of lease for public golf course. The lease, dated April 1, 1947, in the name of the Greater Greensboro School District and the Trustees of the City Administrative Unit to the City of Greensboro for certain land to be used as a public golf course, is hereby validated.

The stadium.

Art. 12. The Stadium.

Definitions.

SEC. 12.1. Definitions. As used in this Article:

(1) "Board of Trustees" means the Board of Trustees of the Greensboro City Administrative Unit.

(2) "Stadium corporation" means the Greensboro High School Stadium Corporation.

Authority to make lease.

SEC. 12.2. Authority to make lease. The Board of Trustees of the Greensboro City Administrative Unit is hereby authorized to lease to the Greensboro High School Stadium Corporation, upon the terms hereinafter stated, a portion of the Senior High School property in the City of Greensboro for the construction of a stadium.

Terms of lease.

SEC. 12.3. Terms of lease.

(a) The lease shall contain substantially the following provisions.

Property leased.

(1) The property leased shall be such portion of the tract of land on which the Senior High School in the City of Greensboro is located as in the opinion of the board of trustees will be sufficient for the purpose of the lease.

Term of lease.

(2) The term of the lease shall be twenty years from the date thereof, subject to the provisions of paragraph (9) of this Section for earlier termination.

Construction of stadium.

(3) In consideration of such lease the stadium corporation shall agree to build on the leased premises, at its own cost and expense, a concrete stadium with a seating capacity

of 10,000 persons or more and to complete the construction thereof not later than September 1, 1950.

Plans and specifications.

(4) The stadium shall be built according to plans and specifications approved by the board of trustees.

Title to stadium.

(5) Title to the stadium shall, from the beginning of the construction thereof, vest in the board of trustees.

Sublease of premises.

(6) The stadium corporation shall sublet the leased premises, effective upon the completion of the stadium, to the board of trustees for the unexpired term of the original lease.

Rent for sublease.

(7) The board of trustees, as sublessees, shall agree to pay to the stadium corporation an amount of rent each year which shall be determined by whichever of the following methods shall be designated by the board of trustees:

a. A fixed sum, or

b. A sum to be determined by a formula agreed upon by the board of trustees and the stadium corporation.

Disposition of rents.

(8) The stadium corporation shall use all of such rent received by it solely for the following purposes:

a. The payment of license fees and taxes, if any;

b. Any and all other necessary expenses of the corporation; and

c. The redemption at par and the retirement of its stock.

Termination of lease and sublease upon retirement of stock.

(9) If all of the stock of the stadium corporation is retired prior to the expiration of the term of the lease as fixed by paragraph (1) of this Section, the lease to the stadium corporation, and the sublease to the board of trustees, shall terminate immediately upon the retirement of the last of such stock.

Title of board upon termination of lease and sublease.

(10) Upon any termination of the lease and sublease the stadium corporation shall have no further interest in the stadium or the land on which it is situated, and the title of the board of trustees thereto shall be free from any interest of any kind of the stadium corporation therein.

Other provisions of lease.

(b) The lease may contain such other provisions as in the opinion of the board of trustees may be necessary or proper to accomplish the purpose of this Article.

Authority to expend funds donated for stadium purposes.

SEC. 12.4. Authority to expend funds donated for stadium purposes. The board of trustees is hereby authorized to expend any funds which have heretofore or may hereafter be donated to the board for use in connection with the building of a stadium, in such way or ways as in the opinion of the board will best accomplish the purpose for which such donations were made. Any such expenditure may be made notwithstanding the fact that it was not included in any budget or in any budget appropriation. The provisions of General Statutes 115-372, 143-129, and 143-131 shall not apply to any expenditure of such funds.

Miscellaneous provisions.

Amended, S.L. 1951, ch.707 §5

Art. 13. Miscellaneous Provisions.

Purchases made from book fund, cafeteria fund or non-budget fund.

SEC. 13.1. Purchases made from book fund, cafeteria fund, or non-budget fund.

(a) The board may make such provision from time to time as it may deem proper for purchases of apparatus, supplies, materials, or equipment with money from the book fund, the cafeteria fund, or the non-budget fund, and may delegate to any employee of the board authority to make such purchases. General Statutes 115-372 shall not apply to purchases made with monies from any of these funds, and General Statutes 143-131 shall apply to such purchases only when they involve the expenditure of $500.00 or more.

(b) Any construction or repair work or purchase of apparatus, supplies, materials, or equipment requiring an estimated expenditure of $1000.00 or more from any of these funds shall be subject to the provisions of G. S. 143-129.

Amended, S.L. 1953, ch.491 §2

Effect on laws authorizing tax levies for any purpose.

[ ]

SEC. 5. Effect on laws authorizing tax levies for any purpose.

(a) This Act shall not repeal any Act or the applicable provisions of any Act authorizing any levy for taxes for the payment of principal or interest on any bonds heretofore issued by the City of Greensboro for school purposes or by the Greater Greensboro School District; and the proper tax levying authorities shall continue to have power to levy and collect such taxes for the payment of such bonds.

(b) This Act shall not repeal any Act or the applicable provisions of any Act authorizing any other levy of taxes for any school purpose; and the proper tax levying authorities shall continue to have power to levy and collect taxes for any and all school purposes authorized at the time of the enactment of this Act.

Repeal of conflicting laws.

SEC. 6. Repeal of conflicting laws. All laws and portions thereof in conflict with this Act are hereby repealed to the extent of such conflict.

Effective date.

SEC. 7. Effective date. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1949.

1949—CHAPTER 968

AN ACT TO AMEND H. B. NO. 548, RATIFIED THE 17TH DAY OF MARCH, 1949, AND RELATING TO THE SCHOOLS OF THE GREENSBORO CITY ADMINISTRATIVE UNIT AND TO THE GOVERNING BODY THEREOF.

The General Assembly of North Carolina do enact:

Ch. 385, Session Laws, 1949, Greensboro Public School Code; amended as to references to public-local laws.

SECTION 1. House Bill No. 548, ratified the 17th day of March, 1949, is hereby amended as follows:

1. Paragraph (1) of Section 3 is amended by striking out the words and figures, "last day of February, 1949" and by inserting in lieu thereof the following, "first day of February, 1949".

2. Paragraph (2) of Section 3 is amended by striking out the word "hereto" and by inserting in lieu thereof the word "hereby".

Sec. 4, amended as to membership of board.

3. Sec. 2.2 of Article 2 of the Greensboro Public School Code as it appears in Section 4 of House Bill No. 548 is amended by striking out the name "D. C. Hudgins" and by inserting in lieu thereof the name "D. E. Hudgins".

SEC. 2. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1949.

1951—CHAPTER 707

AN ACT TO AMEND THE ACT RELATING TO THE SCHOOLS OF THE GREENSBORO CITY ADMINISTRATIVE UNIT AND TO THE GOVERNING BODY THEREOF, SET OUT IN CHAPTER 385, SESSION LAWS 1949, AND AS AMENDED BY CHAPTER 968, SESSION LAWS 1949.

The General Assembly of North Carolina do enact:

Section 1. Article 6 of Chapter 385, Session Laws, 1949, and as amended in Chapter 968, Session Laws, 1949, is hereby amended by adding at the end of said Article 6 the following sections:

"Sec. 6.8. Insurance for terms not exceeding five years.

(a) The board may enter into contracts for any insurance, of any kind which it is permitted by law to carry, for terms not exceeding five years for any policy and for the payment of the premium thereon in annual or such other installments as it may deem advisable.

(b) All contracts for insurance heretofore made by the board for any term in excess of one year are hereby validated.

"Sec. 6.9. Interim appropriations and disbursements.

(a) During the interval between the beginning of any fiscal year and the date of approval of the budget for that year, the board may, from any available funds, make such appropriations and disburse such amounts as it may deem necessary or proper to pay salaries and wages, principal and interest of indebtedness, and all other necessary or proper expenses becoming due and payable during such interval. Each amount so paid shall be chargeable to the proper budget fund thereafter approved for that fiscal year.

(b) During the interval between the beginning of any fiscal year and the date of approval of the budget for that year, the board may make such appropriations and may disburse such amounts as it may deem advisable from any surplus which it has in the capital outlay fund, the current expense fund, the book fund, or the cafeteria fund for the purchase of equipment, materials, and supplies for the then current year. Each amount so used shall be chargeable to the proper budget fund thereafter approved for that fiscal year.

"Sec. 6.10. Investment of surplus funds.

(a) Whenever the board has on deposit in any bank or has otherwise on hand any money belonging to the capital outlay fund, the current expense fund, the debt service fund, the book fund, the cafeteria fund, the nonbudget fund, or any other fund of which it has control, which in the opinion of the board is in excess of the amount required to meet the current needs of such fund, such excess may, by order of the board, be invested in any one or more of the following securities which in the opinion of the board may be readily converted into money:

(1) Bonds, notes, or certificates of indebtedness of the United States of America.

(2) Bonds, notes, or other obligations of any agency or instrumentality of the United States of America, the payment of the principal and interest of which is guaranteed by the United States of America.

(3) Bonds or notes of the State of North Carolina.

(b) Any such securities so purchased by the board shall be sold only upon order of the board. The proceeds of the sale of any such securities shall become a part of the fund used for the purchase of the securities.

"Sec. 6.11. Temporary transfers from one fund to another.

(a) Whenever the board has on deposit in any bank or has otherwise on hand any money belonging to the capital outlay fund, the current expense fund, or the book fund which in the opinion of the board is in excess of the amount required to meet the current needs of such fund, but does not have on hand money belonging to another of these funds necessary to meet the current needs thereof, the board may make a temporary transfer of money from the fund in which there is an excess to the other, provided the amount so transferred will not have the effect of increasing the expenditures from the latter fund beyond the amount of such fund in the approved budget for the then current year. The amount thus transferred shall be returned to the fund from which it was transferred as soon as there is in the fund to which it was transferred a sufficient excess of money above the amount required for its then current needs.

(b) Under similar circumstances and subject to the same restrictions as are set out in subsection (a) of this section, funds may be temporarily transferred from the book fund or the cafeteria fund to the other of such funds, or from the cafeteria fund to the capital outlay fund or the current expense fund; but no such transfers may be made from the capital outlay fund or the current expense fund to the cafeteria fund.

(c) The board may whenever it deems it advisable make a temporary transfer of money from the nonbudget fund to the capital outlay fund, the current expense fund, the book fund, or the cafeteria fund. The amount thus transferred shall be returned to the nonbudget fund as soon as there is in the fund to which it was transferred a sufficient excess of money above the amount required for its then current needs.

(d) All temporary transfers heretofore made by the board from any of the funds referred to in this section to any other of such funds are hereby validated.

(e) Nothing contained in this section shall have the effect of preventing the board from making any appropriation or expenditure which it is otherwise lawfully authorized to make from the nonbudget fund.

"Sec. 6.12. Transfers from one object of expenditure to another. The board may whenever it deems it advisable make a transfer of any portion of the amount of any item in the budget for any year to any other item or items to be paid out of the same fund, the effect of which will be to increase any one or more of such other items and correspondingly to decrease one or more items to be paid out of the same fund, without any increase in the total amount of the expenditures to be made from such fund.

"Sec. 6.13. Use of anticipated capital outlay funds. At any time between the approval of the capital outlay budget for any year by the Board of Commissioners for the County of Guilford and the levy of taxes for that year by that board, [The Board of Trustees of the Greensboro City Administrative Unit] may, in the manner otherwise provided by law, enter into any contract or contracts for the purchase of equipment, materials, or supplies or for construction or repair work to be paid for out of the funds to be provided for such capital outlay budget, the total of which contracts does not exceed sixty per cent (60%) of such capital outlay budget for the Greensboro City Administrative Unit.

Amended,
S.L. 1955,
ch.1228 §1

"Sec. 6.14. When money is available for purchases or contracts for construction or repair work. Money is available for the purchase of equipment, materials, or supplies, or for contracts for construction or repair work, within the meaning of the term "available" as it is used in General Statutes 115-84, either—

(1) When the tax levy has been made for the funds with which such purchases or contracts are to be paid for, whether or not the money has actually been paid over to [The Board of Trustees of the Greensboro City Administrative Unit] or

Amended,
S.L. 1955,
ch.1228 §1

(2) When the capital outlay budget including the funds with which such purchases or contracts are to be paid for has been approved by the Board of Commissioners for the County of Guilford but before the tax levy therefor has been made, if the total of such contracts does not exceed sixty per cent (60%) of such capital outlay budget for the Greensboro City Administrative Unit.

"Sec. 6.15. Additions to duly awarded contracts for construction or repair work. Whenever any contract for construction or repair work is awarded by the board and the board is thereafter of the opinion that changes in or additions to such construction or repair work should be made, the board may, by means of change orders or otherwise as it may deem advisable, and without advertising for bids, enter into a supplemental contract with the person, firm, or corporation to which such contract was awarded for such changes or additions to be made at such price as the board may approve, provided the total additional costs of all such supplemental contracts for any single construction or repair project do not exceed $10,000.00 or ten per cent (10%) of the amount of the total contract awards for such single construction or repair project, whichever is greater. The provisions of General Statutes 143-129 shall not apply to any such supplemental contract."

Sec. 2. Amend Article 7 by adding at the end thereof the following section:

"Sec. 7.4. Transfer of title to school busses. Whenever in the opinion of [The Board of Trustees of the Greensboro City Administrative Unit] it is advisable to transfer any or all school busses which it owns to the State Board of Education in order that such busses may be operated by the State Board of Education for the transportation of school children within the territorial limits of the Greensboro City Administrative Unit, The Board of Trustees of the Greensboro City Administrative Unit may so transfer title to such school busses without the payment of any compensation therefor."

Amended,
S.L. 1955,
ch. 1228 §

Sec. 3. Amend Article 8 thereof to read as follows:

"Art. 8. Condemnation of Property.

"Sec. 8.1. Purposes for which land may be condemned. Any land or easement therein may be condemned which, in the opinion of the board, is required for any of the following purposes:

(1) The construction of school houses or other school buildings;

(2) The construction of water or sewer lines;

(3) Playgrounds for use in connection with any school house then existing or thereafter to be constructed; or

(4) Any other purpose incident to the construction, maintenance, or operation of the schools of the district.

Amended, S.L. 1959, ch.186 §1

["Sec. 8.2. Alternative methods of condemnation. Whenever land or any easement therein is to be condemned for school purposes, such condemnation may be had, as may be directed by the board, pursuant to either—

(1) The provisions of Chapter 40, entitled 'Eminent Domain' of the General Statutes, or

(2) The provisions of General Statutes 115-85, entitled 'Acquisition of sites'.]

Deleted, S.L. 1959, ch.186 §1

"Sec. 8.3. Provisions of this article applicable. The provisions of this article apply to every condemnation proceeding commenced by the board [regardless of which of the two methods authorized by Section 8.2 hereof is followed.]

"Sec. 8.4. Amount that may be condemned.

Amended, S.L. 1959, ch.186 §1

[(a) The ten-acre limitation provided by General Statutes 115-85 shall not apply to the condemnation of property for school purposes, and such amount of land may be condemned in any case as in the opinion of the board is necessary or proper for the purpose for which condemnation is to be had.]

(b) Notwithstanding the provisions of General Statutes 40-10, any dwelling house, kitchen, yard, or garden may be condemned for school purposes without the consent of the owner thereof.

"Sec. 8.5. Effort to purchase not prerequisite. It is not a prerequisite to the condemnation of any land or easement therein for school purposes that the board attempt to acquire the needed property by gift or purchase prior to the commencement of the condemnation proceeding; and an allegation that the board has not been able to acquire title thereto, together with the reasons therefor, is not a necessary allegation of the petition for condemnation.

"Sec. 8.6. Condemnation when member of board is interested. Whenever any member of the board is interested as owner, mortgagee, trustee, lessee, or otherwise in any land required for school purposes, such land may nevertheless be acquired by condemnation; and the condemnation thereof by the board shall not subject such interested member of the board to any civil or criminal liability, notwithstanding the provisions of General Statutes 14-234, if such member does not vote for the condemnation of such land.

"Sec. 8.7. When fee condemned. Whenever any land is condemned the fee shall be condemned unless the board specifically provides otherwise.

"Sec. 8.8. Qualifications of appraisers. The commissioners or appraisers appointed by the clerk of the Superior Court shall be freeholders, and shall be disinterested citizens of the school district.

"Sec. 8.9. Testimony need not be reduced to writing. Notwithstanding the provisions of General Statutes 40-17, testimony taken by the commissioners need not be reduced to writing.

"Sec. 8.10. Board may take nonsuit. At any time after the commencement of a condemnation proceeding and before the clerk confirms the report of the commissioners or appraisers or otherwise makes an order or enters judgment fixing the amount of compensation to be paid for the land sought to be condemned, the board may, upon paying the costs of the proceeding, take a nonsuit.

"Sec. 8.11. Compensation of commissioners or appraisers. The compensation of the commissioners or appraisers shall be fixed by the clerk of the Superior Court of Guilford County, shall be taxed as a part of the costs of the condemnation proceeding, and shall be paid by the board out of district funds.

"Sec. 8.12. When title vests.

(a) Upon payment into the office of the clerk of the Superior Court of Guilford County of the compensation to be paid for the land condemned, as fixed by the order or judgment of the clerk confirming the report of the commissioners or appraisers, or as otherwise fixed by order or judgment of the clerk, the board may enter, take possession of, and hold the land condemned, and,—

(1) If there is no appeal from such order or judgment of the clerk, title to the land condemned shall thereupon vest in the board;

(2) If there is an appeal, and under the final judgment the board is entitled to condemn the land, then upon payment by the board of any additional compensation to which the owner is entitled under the judgment, title to the land condemned shall thereupon vest in the board."

Sec. 4. (a) Amend Article 9 thereof by rewriting Section 9.2 to read as follows:

["Sec. 9.2. Sale of personal property not exceeding $500.00 in value. Any such personal property the value of which, in the opinion of the board, does not exceed five hundred dollars ($500.00) may be sold at private sale, and the board may delegate to any employee of the board authority to make any such sale. No advertisement of any such sale is necessary, the sale is not subject to an upset bid, and the sale, when made pursuant to authority of the board, is final."]

Amended,
S.L. 1953,
ch.491 §1

(b) Further amend Article 9 by adding at the end of Section 9.4 thereof the following:

"When an increased or upset bid is made for any real property, the order of resale shall be made by the clerk of the Superior Court. No deed for any real property sold pursuant to the provisions of General Statutes 115-86 shall be made unless and until the sale is confirmed by the board. No confirmation of any such sale by the clerk of the Superior Court is necessary."

Repealed,
S.L. 1959,
ch.186 §1

Sec. 5. Amend Article 13 thereof by rewriting said Article to read as follows:

"Art. 13. Contracts and Purchases.

"Sec. 13.1. Contracts or purchases with cafeteria funds. The board may delegate to the director of cafeterias or to the director of purchase and contract, or to such other employee or employees of the board as it may deem advisable, either general authority or special authority from time to time to make contracts for construction or repair work or to purchase or make contracts for the purchase of equipment, materials, and supplies, for which cafeteria funds are to be used, the amount of all such contracts and purchases, however, to be within the balance of the appropriation for the cafeteria fund for the then current year or otherwise within the balance of cafeteria funds on hand at the time such contracts or purchases are made. The provisions of General Statutes 115-372, 143-129, and 143-131 shall not apply to any such contract or purchase.

"Sec. 13.2. Contracts or purchases with book funds. The board may delegate to the director of purchase and contract, or to such other employee or employees of the board as it may deem advisable, either general authority or special authority from time to time to make contracts for construction or repair work or to purchase or make contracts for the purchase of books, equipment, materials, or supplies, for which book funds are to be used, the amount of all such contracts and purchases, however, to be within the balance of the appropriation for the book fund for the then current year or otherwise within the balance of book funds on hand at the time such contracts or purchases are made. The provisions of General Statutes 115-372, 143-129, and 143-131 shall not apply to any such contract or purchase.

"Sec. 13.3. Sections 13.4 to 13.8 not applicable to book or cafeteria funds. The provisions of Sections 13.4 to 13.8, both inclusive of this article, apply to contracts for construction or repair work or to purchases made with any funds other than book funds or cafeteria funds.

"Sec. 13.4. Contracts for construction or repair work involving $1,000.00 or less.

(a) The provisions of General Statutes 143-129 and 143-131 shall not apply to any contract for construction or repair work involving an expenditure of $1,000.00 or less.

(b) The board may delegate to the director of purchase and contract or to any other employee or employees of the board either general authority or special authority from time to time to make contracts for construction or repair work which contracts do not involve in any one case in excess of $1,000.00, these provisions being subject, however, to the following limitations:

(1) If payment is to be made out of the non-budget fund, the contract shall be made only for a purpose specifically authorized by the board and out of an appropriation made by the board.

(2) If payment is to be made out of any fund other than the non-budget fund (this section not applying to the book fund and the cafeteria fund), the contract shall be made only for a purpose specifically authorized by the budget and the amount thereof must be within the unexpended balance of the budget appropriation for such fund.

"Sec. 13.5. Contracts for construction or repair work involving more than $1,000.00 but less than $2,500.00. Any contract for construction or repair work involving an expenditure of more than $1,000.00 but less than $2,500.00 may be awarded by the board upon informal bids pursuant to the provisions of General Statutes 143-131. The provisions of General Statutes 143-129 shall not apply to any such contract.

"Sec. 13.6. Contracts for construction or repair work involving expenditure of $2,500.00 or more. Contracts for construction or repair work involving expenditure of $2,500.00 or more shall be subject to the provisions of General Statutes 143-129.

"Sec. 13.7. Purchases or contracts to purchase involving $1,000.00 or less.

(a) The provisions of General Statutes 115-372, 143-129, and 143-131 shall not apply to any purchase or any contract to purchase equipment, materials, or supplies involving an expenditure of $1,000.00 or less.

(b) The board may delegate to the director of purchase and contract or to any other employee or employees of the board either general authority or special authority from time to time to purchase or to make contracts to purchase equipment, materials, and supplies which purchases or contracts do not involve in any one case in excess of $1,000.00, this provision being subject, however, to the following limitations:

"(1) If payment is to be made out of the non-budget fund, the purchase or contract to purchase shall be made only for a purpose specifically authorized by the board and out of an appropriation made by the board.

"(2) If payment is to be made out of any fund other than the non-budget fund (this section not applying to the book fund and the cafeteria fund), the purchase or contract to purchase shall be made only for a purpose specifically authorized by the budget and the amount thereof must be within the unexpended balance of the budget appropriation for such fund."

"Sec. 13.8. Purchases or contracts to purchase involving more than $1,000.00. Where purchases or contracts to purchase equipment, materials, or supplies involving more than $1,000.00 are to be made in accordance with a contract or contracts made by the state division of purchase and contract or with the approval of that division, the board may delegate to the director of purchase and contract or to any other employee or employees of the board either general authority or special authority from time to time to make such purchases or contracts to purchase if the amount thereof is within the unexpended balance of the budget appropriation therefor or if surplus funds are on hand to pay therefor."

Sec. 6. Repeal of conflicting laws. All laws and portions thereof in conflict with this Act are hereby repealed to the extent of such conflict.

Sec. 7. Effective date. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 10th day of April, 1951.

1953—CHAPTER 491

AN ACT TO AMEND THE ACT RELATING TO THE SCHOOLS OF THE GREENSBORO CITY ADMINISTRATIVE UNIT AND TO THE GOVERNING BODY THEREOF AS SET OUT IN CHAPTER 385, SESSION LAWS, 1949, AND THE AMENDMENTS THERETO.

The General Assembly of North Carolina do enact:

Section 1. Chapter 385, Session Laws, 1949, entitled, "An Act Relating to the Schools of the Greensboro City Administrative Unit and to the Governing Body Thereof", as amended by Chapter 968, Session Laws, 1949, and Chapter 707, Session Laws, 1951, is hereby further amended as follows:

(1) By rewriting Sections 9.1 and 9.2, of Art. 9, entitled, "Sale and Exchange of Property", to read as follows:

Sec. 9.1 Property that may be sold.

(a) Any personal property title to which is vested in the board may be sold pursuant to the provisions of Section 9.2 of this Article.

[(b) Any real property title to which is vested in the board and which in the opinion of the board has become unnecessary for public school purposes may be sold pursuant to the provisions of Section 9.4 of this Article.] Repealed, S.L. 1959 ch.186 §1

Sec. 9.2. Sale of personal property not exceeding $500.00 in value.

(a) Any personal property title to which is vested in the board and the fair market value of which, in the opinion of the board, does not exceed five hundred dollars ($500.00) may be sold by the board at private sale. No advertisement of any such sale is necessary, the sale is not subject to an upset bid, and the sale when made is final.

(b) The board may delegate to the city superintendent of schools, the director of purchase and contract, or any other duly designated employee of the board, authority to sell from time to time at private sale any item or items of tangible personal property title to which is vested in the board, provided that the fair market value of the item or items of property embraced in any one sale shall not exceed five hundred dollars ($500.00). Whenever any sale is made as provided by this subsection, no advertisement thereof is necessary, the sale is not subject to an upset bid, no action of the board thereon is required, the sale is final, and a bill of sale therefor may be executed in the name of the board by the person authorized to make the sale.

(c) Every sale made pursuant to the provisions of subsection (b) of this Section shall be promptly reported to the board.

Sec. 2. By adding next after Art. 13, entitled "Miscellaneous Provisions", an Article to read as follows:

Art. 14. Liability for Negligent Operation of Automobiles.

Amended, S.L. 1955, ch. 1228

Section 1. Definitions. As used in this Article the words "board" and "board of trustees" mean [The Board of Trustees of the Greensboro City Administrative Unit]

Sec. 2. Board authorized to waive governmental immunity.

(a) The board is hereby authorized, but not required, by securing and carrying liability insurance as provided in this Article, to waive its governmental immunity from liability for any damage by reason of death, or injury to person or property, proximately caused by the negligent operation of any motor vehicle by any officer, agent, or employee of the board when acting within the scope of his authority and within the course of his employment. Such immunity shall, however, be waived only to the extent of the amount of valid, enforcible, and collectible insurance so secured and carried.

(b) Such immunity shall be deemed to have been waived, to the extent provided in this Article, by the board's securing and carrying such insurance, without other affirmative action.

Sec. 3. Board liable only upon claims arising after securing insurance. The board shall incur liability pursuant to this Article only with respect to claims arising after the board has secured liability insurance as provided in this Article and only while such insurance is in force and only while such insurance is enforcible and collectible.

Sec. 4. Contract of insurance; payment of premiums.

Amended, S.L. 1955, ch. 1228

(a) Any contract of insurance secured pursuant to this Article must be one issued by a company or corporation duly licensed and authorized to execute insurance contracts in this State, and must by its terms adequately insure [The Board of Trustees of the Greensboro City Administrative Unit] against any and all liability for any damage by reason of death, or injury to person or property, proximately caused by the negligent operation of any motor vehicle by any officer, agent, or employee of the board when acting within the scope of his authority and within the course of his employment. Any company or corporation which issues such a contract of insurance to the board, shall by such act, waive any defense based upon the governmental immunity of the board from liability.

(b) The board is authorized to pay, as a necessary expense, the lawful premiums for such insurance, and to include in its annual budget such an amount as it may deem necessary for that purpose. The Board of Commissioners for the County of Guilford may approve such budget item and may provide the necessary funds therefor.

Sec. 5. Claim must be presented before action is begun.

(a) Before any action may be commenced against the board upon any claim based upon the provisions of this Article, the claimant, or his representative, must file with the board a written claim setting out the following:

(1) The name and address of the claimant;

(2) The date and place of the damage or injury;

(3) A brief statement of the cause of the damage or injury;

(4) The nature and extent of the damage or injury, and

(5) The amount of damages claimed.

(b) No action may be commenced upon any such claim unless and until the board declines to pay the claim, or unless it fails to pay it within sixty days after the filing thereof.

(c) Nothing contained in this Section shall prevent any applicable statute of limitations from commencing to run at the time prescribed by law or in any manner interfere with its running.

Sec. 6. Action for negligence in performance of governmental functions authorized; defenses.

(a) The personal representative of any person whose death is proximately caused, or any person sustaining injury to his person or property which is proximately caused, by the negligent operation of any motor vehicle by any officer, agent, or employee of the board when acting within the scope of his authority and within the course of his employment, may sue the board for the recovery of damages therefor in the Superior Court of Guilford County, Greensboro Division, or in any other court in the City of Greensboro which has jurisdiction of the cause of action, and, to the extent that the damage or injury sued for is covered by valid, enforcible, and collectible insurance secured pursuant to the provisions of this Article, it shall be no defense to such action that the motor vehicle alleged to have caused such damage or injury was being operated in the discharge of a governmental function of the board.

(b) Except as expressly provided in this Article, nothing herein shall deprive the board of any defense to any such action which it may have at common law or by virtue of any Statute or restrict or otherwise affect such defense, and nothing herein contained shall make any member of the board personally liable as an individual for any tort for which such board member would not now be personally liable as an individual.

Sec. 7. Information as to insurance coverage to be kept from jury.

(a) In any action brought pursuant to the provisions of this Article, no part of the pleadings alleging facts with respect to the board's insurance coverage shall be read or otherwise brought to the attention of the trial jury, and neither the plaintiff, his counsel, or any of his witnesses shall give any evidence, make any statement, ask any question, or do any act indicating or suggesting to the trial jury that the board has such insurance coverage.

(b) In any action brought pursuant to the provisions of this Article, if any issue arises with respect to the insurance coverage involved which should be submitted to a jury, the liability of the board provided for by this Article shall not attach unless and until the plaintiff waives any right to have such issue determined by a jury, and, upon such waiver, the issue shall be heard by the trial judge, unless the board itself requests a jury trial thereon. Any motion, evidence, argument, or other matters with respect to any such issue shall be heard without the presence of the jury, unless the board has requested a jury trial on the issue.

(c) Upon any violation of the foregoing provisions of this Section which results in information as to the board's insurance coverage being brought to the attention of the trial jury, the trial judge, upon motion of the board, shall order a mistrial of the action.

Sec. 8. Approval of payments made for insurance. All payments of premiums heretofore made by the board for liability insurance for motor vehicles is hereby approved.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of March, 1953.

1955—CHAPTER 503

AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF THE GREENSBORO CITY ADMINISTRATIVE UNIT AND THE CITY OF GREENSBORO TO CONTRACT BETWEEN THEMSELVES FOR THE CONSTRUCTION AND MAINTENANCE OF WATER AND SANITARY SEWER LINES AND OTHER WATER AND SANITARY SEWER FACILITIES AND FOR THE FURNISHING OF WATER AND OF SANITARY SEWER SERVICES FOR SCHOOL BUILDINGS WITHIN THE GREENSBORO CITY ADMINISTRATIVE UNIT.

WHEREAS, the Greensboro City Administrative Unit extends in several directions beyond the corporate limits of the City of Greensboro; and

WHEREAS, in order to provide necessary school facilities, The Board of Trustees of the Greensboro City Administrative Unit is now engaged, and will hereafter be engaged, in the construction of school buildings in the Greensboro City Administrative Unit, some of which will be within and some outside of the corporate limits of the City of Greensboro; and

WHEREAS, The Board of Trustees of the Greensboro City Administrative Unit may find it necessary or advisable to arrange for the construction and maintenance of water and sanitary sewer facilities, and for the furnishing of water and of sanitary sewer services, for one or more of such school buildings; and

WHEREAS, the most convenient and economical method of arranging for the construction and maintenance of such water and sanitary sewer facilities and for the furnishing of such water and of such sanitary sewer services may be by contract between The Board of Trustees of the Greensboro City Administrative Unit and the City of Greensboro: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of Trustees of the Greensboro City Administrative Unit and the City of Greensboro are hereby authorized and empowered to enter into one or more contracts between themselves, upon such terms and conditions as they may deem advisable, for any one or more of the following: (1) The construction and maintenance of water lines and other water facilities, (2) the construction and maintenance of sanitary sewer lines and other sanitary sewer facilities, (3) the furnishing of water, (4) the furnishing of sanitary sewer services for any school building or buildings within the Greensboro City Administrative Unit, either within or outside of the corporate limits of the City of Greensboro.

Sec. 2. Any such contract or contracts may provide for the payment by The Board of Trustees of the Greensboro City Administrative Unit to the

City of Greensboro of any part or all of the costs of any such construction and maintenance and for the refund by the City of Greensboro to The Board of Trustees of the Greensboro City Administrative Unit of any part of all or any amount so paid for any such construction or maintenance.

Sec. 3. Any such contracts may provide for the payment by The Board of Trustees of the Greensboro City Administrative Unit to the City of Greensboro for water or for sanitary sewer services, or both, furnished any school building at such price or prices and upon such terms and conditions as may be mutually agreed upon.

Sec. 4. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 5. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1955.

1955—CHAPTER 1228

AN ACT TO AMEND CERTAIN ACTS RELATING TO THE SCHOOLS OF THE GREENSBORO CITY ADMINISTRATIVE UNIT AND TO THE GOVERNING BODY THEREOF.

The General Assembly of North Carolina do enact:

Section 1. Chapter 385, Session Laws, 1949, which Chapter is entitled, "An Act Relating to the Schools of the Greensboro City Administrative Unit and to the Governing Body Thereof", is hereby amended as follows:

(1) The words, "the governing body of the Greensboro City Administrative Unit", in Sec. 1.1(a) of Sec. 4 of said Act are hereby stricken out and the words, "The Greensboro City Board of Education", are inserted in lieu thereof.

(2) Sec. 2.1 of Sec. 4 of said Act is hereby repealed.

(3) The words, "the Board of Trustees of the Greensboro City Administrative Unit", where they occur in Sec. 6.7, Sec. 7.1, Sec. 7.3, and Sec. 9.5(b) of Sec. 4 of said Act are hereby stricken out, and the words, "The Greensboro City Board of Education", are inserted in lieu thereof.

(4) The words, "shall be subject to all of the provisions of, General Statutes 115-86," where they occur in Sec. 9.3 and Sec. 9.4 of Sec. 4 of said Act are hereby stricken out the words, "shall be subject to the applicable provisions of Chapter 115 of the General Statutes", are inserted in lieu thereof.

Sec. 2. Chapter 707, Session Laws, 1951, entitled, "An Act to Amend the Act Relating to the Schools of the Greensboro City Administrative Unit and to the Governing Body Thereof, Set Out in Chapter 385, Session Laws 1949, and as Amended by Chapter 968, Session Laws, 1949", is hereby amended by striking out the words "The Board of Trustees of the Greensboro City Administrative Unit", where they occur in Sec. 6.13, and Sec. 6.14 of Sec. 1 of said Act and in Sec. 7.4 of Sec. 2 of said Act and by inserting in lieu thereof the words "The Greensboro City Board of Education".

Sec. 3. Chapter 491, Session Laws, 1953, which Chapter is entitled, An Act to Amend the Act Relating to the Schools of the Greensboro City Administrative Unit and to the Governing Body Thereof as Set Out in Chapter 385, Session Laws, 1949, and the Amendments Thereto", is hereby amended by striking out the words, "The Board of Trustees of the Greensboro City Administrative Unit", where they occur in Section 1 and Sec. 4 of Art. 14 as set out in Sec. 2 of said Act, and by inserting in lieu thereof the words "The Greensboro City Board of Education".

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of May, 1955.

1959—CHAPTER 186

AN ACT RELATING TO THE SCHOOLS OF THE GREENSBORO CITY ADMINISTRATIVE UNIT AND TO THE GOVERNING BODY THEREOF AS SET OUT IN CHAPTER 385, SESSION LAWS, 1949, AND THE AMENDMENTS THERETO.

The General Assembly of North Carolina do enact:

Section 1. Chapter 385, Session Laws, 1949, as amended, is hereby further amended as follows:

(1) The second sentence of Sec. 2.2, as it appears in Sec. 4 of Chapter 385, Session Laws, 1949, is hereby amended to read as follows:

"The members of the board and the dates of expiration of their respective terms of office are as follows:

Name of Member	Date of Expiration of Term
Thornton H. Brooks	March 31, 1959
J. C. Cowan, Jr.	March 31, 1959
James R. Perrin	March 31, 1961
Richard M. Wilson	March 31, 1961
William M. Hampton	March 31, 1962
Lessie E. Hoyle	March 31, 1962
Richard K. Hunter	March 31, 1962

(2) The words, "the Board of Trustees of the Greensboro City Administrative Unit," in Sec. 2.5(a), as it appears in Sec. 4 of Chapter 385, Session Laws, 1949, are hereby stricken out, and there is inserted in lieu thereof the words, "The Greensboro City Board of Education."

(3) The words and figures, "as provided by General Statutes 115-353", in Sec. 2.7(b), as it appears in Sec. 4 of Chapter 385, Session Laws, 1949, are hereby stricken out and there is inserted in lieu thereof the words and figures, "as provided by General Statutes 115-56."

(4) Sec. 6.2, as it appears in Sec. 4 of Chapter 385, Session Laws, 1949, is hereby amended by adding at the end thereof the following:

"(e) The signature or countersignature of the chairman, the city superintendent of schools, and the treasurer may be affixed to checks or warrants for district funds by a signature machine. The board shall carry forgery insurance in such amount as it may deem reasonably necessary to protect the board against any loss resulting from any non-authorized or improper use of the signature machine and to protect the chairman, the city superintendent of schools, and the treasurer against any liability resulting from any such non-authorized or improper use of the signature machine."

(5) Sec. 6.7, as it appears in Sec. 4 of Chapter 385, Session Laws, 1949, is hereby amended by striking out the words and figures, "General Statutes 115-340 to 115-346", and by inserting in lieu thereof the words and figures, "General Statutes 115-193 to 115-197".

(6) Secs. 8.2 and 8.4(a), as they appear in Chapter 385, Session Laws, 1949, as amended by Section 3 of Chapter 707, Session Laws, 1951, are hereby repealed.

(7) Sec. 8.3, as it appears in Chapter 385, Session Laws, 1949, as amended by Sec. 3 of Chapter 707, Session Laws, 1951, is hereby amended

by striking out the words, "regardless of which of the two methods authorized by Section 8.2 hereof is followed", so that the Section as amended will read as follows:

"Sec. 8.3. Provisions of this Article applicable. The provisions of this Article apply to every condemnation proceeding commenced by the board."

(8) Sec. 9.1(b) and Sec. 9.4, as they appear in Chapter 385, Session Laws, 1949, as amended by Chapter 491, Session Laws, 1953, are hereby repealed.

(9) Sec. 9.5(b), as it appears in Chapter 385, Session Laws, 1949, is hereby amended by striking out the words and figures, "Section 9.4 of this Article," and inserting in lieu thereof the words and figures, "Chapter 115 of the General Statutes".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed to the extent of such conflict.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1959.

1969 CHAPTER 260

AN ACT TO AMEND CHAPTER 385, SESSION LAWS, 1949, AS AMENDED, RELATING TO THE SCHOOLS OF THE GREENSBORO CITY ADMINISTRATIVE UNIT AND THE GOVERNING BODY THEREOF.

The General Assembly of North Carolina do enact:

Section 1. The amendments set out in this Act all relate to portions of Section 4 of Chapter 385, Session Laws, 1949, which section includes "The Greensboro Public School Code" as enacted by the General Assembly at its 1949 Session.

Sec. 2. Chapter 385, Session Laws, 1949, as amended, is hereby further amended as follows:

(1) Section 4.3 as set out in Section 4. of Chapter 385, is amended to read as follows:

"Sec. 4.3. Election of associate and assistant superintendents; no oath required. Upon nomination by the superintendent of schools, the board shall elect one or more associate or assistant city superintendents of schools and may designate the title of each such associate or assistant superintendent. Each such associate or assistant superintendent shall be elected to serve for a term of two or four years as the board may determine; provided, however, that if such term would extend beyond June 30 of the year during which the end of the two-year or four-year term would occur, the term may either be decreased or increased so that it will end on June 30 of such year as may be determined by the board. Such associate or assistant superintendents are not intended to be officers within the constitutional meaning of that term, and it shall not be necessary for any of them to take any oath of office."

(2) Sec. 4, as set out in Section 4 of Chapter 385, is amended by adding next after Section 4.5 of Article 4, the following:

"Sec. 4.7. Appointment of assistant principals. Upon nomination by the city superintendent of schools, the board may appoint one or more assistant principals for any school or schools in the administrative unit and may define, or may authorize the city superintendent of schools to define, their powers and duties."

(3) Sec. 4.3, as set out in Section 4 of Chapter 385, is amended to read as follows:

"Sec. 4.3. Election of treasurer and assistant treasurer. Upon nomination of the city superintendent of schools, the board shall elect a treasurer and assistant treasurer, and shall define, or authorize the city superintendent of schools to define, the powers and duties of the treasurer and assistant treasurer."

(4) Sec. 4.5, as set out in Section 4 of Chapter 385, is amended to read as follows:

"Sec. 4.5. Authority to employ persons other than those elected by the board and to define their powers and duties; delegation of authority. With the exception of those employees whose election by the board is required, the city superintendent of schools is authorized to employ all such persons as may be necessary for the proper operation of the schools, to define their duties and powers, and to fix their compensation within such limits as may be prescribed by the board. The city superintendent of schools is authorized to delegate such authority hereinbefore in this Section conferred upon him to such other employee or employees of the board as he may deem proper."

(5) Sec. 7.2, as set out in Section 4 of Chapter 385, is amended to read as follows:

"Sec. 7.2. Deeds to be kept by board's business official. All deeds for real property owned by the board shall, after registration thereof, be kept in the custody of the business official.

(6) Article 7, as set out in Section 4 of Chapter 385, is amended by adding at the end of the Article the following Section.

"Sec. 7.5. Powers and duties of school employees with respect to property of the board. Subject to the general control of the board, the city superintendent of schools, as the principal administrative officer of the board, may define the powers and duties of principals, assistant principals, teachers, and other employees of the board with respect to the custody, protection, and care of schools, buildings and premises and other property of the board."

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1969.

Note: This chapter amends Sec. 4.3 of Section 4 of Chapter 385, Session Laws of 1949, twice. The error is apparently typographical, and leaves unclear whether another section of the 1949 act was to have been amended.

1969 CHAPTER 290

AN ACT TO AUTHORIZE THE GREENSBORO CITY BOARD OF EDUCATION AND THE CITY OF GREENSBORO TO ENTER INTO CONTRACTS WHEREBY THE BOARD OF EDUCATION MAY FURNISH THE CITY CERTAIN SERVICES IN CONNECTION WITH THE CITY'S RECREATION PROGRAMS.

The General Assembly of North Carolina do enact:

Section 1. The Greensboro City Board of Education, hereinafter referred to as the "board", and the City of Greensboro, hereinafter referred to as the "city", are authorized to enter annually into a contract whereby the board may furnish to the city certain services and certain school buses necessary for the performance of such services in connection with the city's recreation programs.

Sec. 2. Each such contract shall contain such terms and conditions and shall be for such compensation as may be agreed upon by the board and the city; provided, however, that the buses to be used for such purpose shall be such buses as shall be owned by the board and as will not be needed by the board for school purposes during the periods when they are used in connection with the city's recreation programs.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1969.

1969 CHAPTER 973

AN ACT TO VALIDATE THE PRIOR OPERATION BY THE GREENSBORO CITY BOARD OF EDUCATION OF A SCHOOL OWNED BY THE BOARD BUT LOCATED OUTSIDE THE GREENSBORO CITY ADMINISTRATIVE UNIT AND TO AUTHORIZE THE CONTINUED OPERATION OF THE SCHOOL HEREAFTER.

WHEREAS, the Greensboro City Board of Education constructed a school building known as the Edwin Anderson Alderman School on a tract of land which was owned by the Greensboro City Board of Education and which it thought was located within the boundaries of the Greensboro City Administrative Unit, and the school has been operated since sometime in the fall of 1968 and is still being operated; and

WHEREAS, Section 115-128 of the General Statutes of North Carolina provides in part that:

> "No school may be operated by an administrative unit outside its own boundaries, although other school facilities such as repair shops may be operated outside the boundaries of the administrative unit"; and

WHEREAS, the continued operation of the Edwin Anderson Alderman School is necessary for the accommodation of the children who are entitled to attend the schools of the Greensboro City Administrative Unit;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. The prior operation of the Edwin Anderson Alderman School by the Greensboro City Board of Education is hereby in all respects validated and approved, and the continued operation of that school hereafter is hereby authorized.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed to the extent of such conflict.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

GREENVILLE

1903—Chapter 106.

AN ACT TO ESTABLISH A GRADED SCHOOL IN THE TOWN OF GREENVILLE.

The General Assembly of North Carolina do enact:

Election to be held, when and where.
Purpose of.
To maintain schools and issue bonds.

Section 1. That there shall be an election held in the town of Greenville on the first Tuesday in April, 1903, for the purpose of taking the sense of the qualified voters of said town on the question of establishing and maintaining a graded school therein for each race, and issuing coupon bonds to the amount of ten thousand dollars for the purchase of sites, erection, repair and equipment of the necessary buildings therefor.

When and under what provisions held.
Registrars and judges.
Registration.
Result, how declared.
Separate box.
Ballots.

Sec. 2. That said election shall be held at the same time and place as the election is held which is authorized by an act passed at this session of the General Assembly for the purpose of taking the sense of the voters of said town on the question of issuing coupon bonds to the amount of sixty-five thousand dollars for the purpose of constructing and installing a system of electric lights, water-works and other improvements in said town. The election provided for in this act shall be held and conducted by the same registrars and judges of election and under the same registration as the election aforesaid for issuing sixty-five thousand dollars of bonds, and the returns shall be made, counted and the result declared in like manner as in said election. But a separate box shall be provided for the election provided for in this act, and the voters shall vote in this election on a separate ballot from that on which they vote in the box for the other bonds. Those who favor establishing the schools and issuing the bonds hereinafter provided for, What to state.

for the erection of the necessary buildings and levying the necessary tax for the maintenance of the schools and the payment of the interest on said bonds, shall vote a ballot on which shall be written or printed the words "For the Schools," and those who are opposed thereto shall vote a ballot on which shall be written or printed the words "Against the Schools."

If majority for schools.

Duty of mayor and aldermen to issue bonds.

Style of bonds.

To run thirty years.

Five per cent. semi-annual interest.

Receivable for taxes.

How to be sold.

Proceeds of sale.

How disbursed.

Sec. 3. That if a majority of the qualified voters of said town at said election shall vote in favor of establishing the schools as provided for in this act, it shall be the duty of the Mayor and Board of Aldermen of said town to cause to be prepared at the earliest possible day ten thousand dollars of interest-bearing coupon bonds, of the denomination of one hundred dollars each, to be numbered consecutively from one to one hundred, inclusive. The said bonds shall be issued in the name of the said town, be signed by the Mayor, countersigned by the clerk of the Board of Aldermen, and shall run for thirty years and bear five per cent. interest per annum, payable semi-annually on the first days of January and July of each and every year. The coupons on said bonds shall be receivable in anything due the town. The Board of Aldermen shall sell and dispose of said bonds as early as practicable and for the best obtainable price, but they shall sell no bond for less than its face value. The said board shall keep a record of each bond sold, to whom sold, and the price obtained. The said board shall cause the proceeds of the sale of said bonds to be turned over to the Town Treasurer, who shall hold and pay out said proceeds as hereinafter provided, and shall give such bond for the faithful custody and accounting for said funds as may be required by the Board of Aldermen.

Tax to be levied and collected.

Amount, poll and property.

Purpose of tax.

Sec. 4. It shall be the duty of the Board of Aldermen to cause to be levied and collected, at the same time that other taxes are levied and collected, a sufficient tax on the real and personal property and other taxable subjects and on the taxable polls in said town a sufficient tax to meet the prompt payment of the interest on said bonds as the same may fall due and become payable.

If majority for schools.

Special tax to maintain school for thirty-two weeks.

Amount, poll and property.

Other subjects of taxation.

Sec. 5. That if it shall be declared that a majority of the qualified voters of said town shall have voted in favor of establishing said graded schools, then it shall be the duty of the Board of Aldermen of said town to levy and cause to be collected, at the same time that other taxes are levied and collected, a sufficient tax to maintain said schools for a period of not less than thirty-two weeks each year, which tax shall not be less than fifteen cents on the one hundred dollars worth of property and forty-five cents on each taxable poll, and not more than forty cents on the hundred dollars worth of taxable property and one dollar and twenty cents on each taxable poll. In addition to the taxes on the property and poll as aforesaid, the said board may levy a tax for the support of said schools on all other subjects taxed by said town.

Schools declared established.

Amended, Pr. L 1911, ch. 386

Fourteen trustees to be elected.

When and how.

Sec. 6. That if it shall appear that a majority of the qualified voters of said town have voted in favor of establishing said graded schools, then such schools are hereby declared established. That at the election above provided to be held on the first Tuesday in April, 1903, there shall be also a separate election to determine and select fourteen trustees of said school, and a separate box provided for same, which trustees shall be the trustees of the said school

Tenure of trustees elected.

Who declared elected.

Regulations governing election.

Vacancies, how filled.

for the terms for which they have been elected, in event the said schools have been established as above provided, to-wit: Two persons whose terms shall expire on the 30th day of June, 1904; two persons whose term of office shall expire on the 30th day of June, 1905; two persons whose term of office shall expire on the 30th day of June, 1906; two persons whose term of office shall expire on the 30th day of June, 1907; two persons whose term of office shall expire on the 30th day of June, 1908; two persons whose term of office shall expire on the 30th day of June, 1909, and two persons whose term of office shall expire on the 30th day of June, 1910. That the two persons receiving the highest number of all the ballots cast for each term shall be declared to be the school trustees for the term of office designated. That the election of said trustees shall be held under the same rules and regulations as govern the election on the bond issue above provided for. It is further enacted, that as the term of each class expires the vacancy shall be filled by the Board of Aldermen at an election to be held at the first regular meeting of the said board after the expiration of said terms respectively, and the persons so chosen shall hold for seven years, and any other vacancy occurring in said board of trustees by resignation, death or otherwise shall be filled by an election by the Board of Aldermen, and the person so chosen shall hold for the unexpired term of the trustee whose vacancy he is appointed to fill.

[]] Added Pr.L. 1905, ch.132 §3, then amended

Trustees to have control of graded school.

Teachers and officers, compensation.

Executive committee.

Negro committee for negro school.

SEC. 7. That said board of trustees shall have the general control and management of the said graded schools, and they may determine the location, character and equipment of the buildings therefor, which shall not cost in the aggregate to exceed the sum of ten thousand dollars, and they may employ such teachers and officers for each of said schools as they may deem proper and fix the compensation thereof. They may appoint an executive committee of their number, who shall have the more direct control and management of such schools under such rules and regulations as the board of trustees may prescribe, and the said board, if they shall deem it advisable to do so, may appoint a committee of colored persons to aid the board in looking after the interest of the colored graded school under such rules and regulations as the board of trustees may prescribe.

Trustees of Pitt Academy, personnel.

SEC. 8. That the persons elected as trustees of the graded school are hereby constituted and appointed trustees of Pitt Academy, and they, together with W. M. B. Brown, S. B. Wilson, A. W. Moye, J. B. Cherry and W. H. Tucker, the surviving members of the trustees of Pitt Academy, shall be and they are hereby appointed the Board of Trustees of Pitt Academy.

Location of school for white race.

Academy may be sold.

SEC. 9. That if the trustees of the graded schools shall deem the ground on which Pitt Academy is now located a suitable place for the location of the graded school for the white race, then said school may be located thereon with the consent of the trustees of the said academy; but if the trustees of the graded schools shall deem some other location more suitable, then the Board of Trustees of Pitt Academy as herein constituted may, if they shall deem it advisable to do so, sell said academy and all the lands belonging thereto in such manner and on such terms as they may deem best, make good title to the purchaser and invest the proceeds of such sale in the purchase of the location and in the erection of buildings for the graded school for the white race.

Location of school for negroes.

SEC. 10. That if the trustees of the graded schools shall deem the present location of the public school building for the colored race a proper location for the graded school buildings for that race, they may locate the graded school at that point, and with the consent of the proper school committee and the County Board of Education use the public colored school building for that purpose, and make such changes and additions thereto as they may deem proper.

Proceeds of sale of bonds, how applied.

By whom expended.

Purchase sites and erect buildings.

Erection of buildings.

How paid for.

Vouchers for payment.

Record to be kept by trustees.

Town treasurer to keep fund separate and make report.

Compensation.

SEC. 11. That the proceeds of the sale of the bonds provided in this act shall be used exclusively for the erection and equipment of suitable buildings for the graded schools for the whites and such enlargement and equipment of the colored school buildings as may be necessary, and said buildings shall be constructed and equipped and said fund expended under the sole direction of said board of trustees of said graded schools. And to this end it shall be the duty of said board of trustees to determine the location and the character of the building for the white graded school and the needed enlargement, if any, of the building for the colored graded school. But if the said board shall deem it better to select another location for the colored graded school, the said board is hereby fully authorized and empowered to purchase a site therefor and erect and equip the necessary buildings thereon. And it shall be the duty of said board, as soon as possible after the ratification of this act by the qualified voters of the town of Greenville, to determine said location and to proceed as speedily as possible with the erection and enlargement of the buildings for said school. The said board may have said buildings erected and enlarged by contract or in such other way as they may deem best, and it shall be the duty of the Treasurer of said town to pay for the same out of the proceeds of the sale of said bonds upon the order of the board of trustees, signed and countersigned in such manner and under such rules and regulations as they may prescribe. But said board of trustees shall keep a record which shall show in detail the manner in which the said fund has been expended by them. The Town Treasurer shall also keep a separate account of his receipts and disbursements of this fund, and he shall make a report to the Board of Aldermen from time to time of his dealings therewith, and he shall be allowed as his compensation in receiving and paying out this fund two and one-half per cent. commission on his disbursements.

Amended, Pr. L 1905, ch. 132, § 2

Scholars in corporate limits.

Free tuition.

Whites and negroes to have separate schools.

Proviso, nonresident children.

Tuition of.

SEC. 12. That all children within the [corporate limits of said town] as now constituted, or as they may be hereafter extended, who are entitled to attend the public schools, shall be admitted into said graded schools free of charge: *Provided always*, that the whites shall attend the schools provided for them and the blacks the schools provided for them: *Provided further*, that the board of trustees shall have power to admit the children to either of the said schools who reside outside of the corporate limits of said town upon such terms as they may deem fair and just.

Corporate limits a school district
Trustees may extend boundaries.
Amended, Pr. L 1905, ch. 132, § 1

SEC. 13.[That the corporate limits of said town shall constitute a school district for each race, but the trustees of the graded school and the persons charged by law with the duties of locating and managing the various school districts in the county of Pitt may extend the boundary of the graded school district so as to take in territory and people not included within the corporate limits of said town.] And the board of trustees may enter into negotiations with the school committee of the district in which the said graded schools are situated and the County Board of Education looking to acquiring the title to the lands and the school buildings for the white and for the colored races belonging to said school committee on such terms as may be agreed upon, and the sale of these buildings and the investment of the proceeds in the graded school buildings for such races respectively. And the said board of trustees shall have full power and authority to receive, use or hold any donations, gifts, devises and bequests made for either or both of said graded schools.

Trustees to acquire title to school property.

Donations.

Public fund, disposition of.

Amended, Pr. L 1905, ch. 132, § 4

SEC. 14. That portion of the public money belonging to the common school fund which would properly belong to that portion of the Greenville District which is embraced in the graded school territory shall be appropriated to the graded schools herein established, and shall be made over to the Treasurer of the town of Greenville and shall be used by him for the support of said graded schools and for no other purpose, and shall be reported and accounted for as other moneys belonging to said graded schools.[ ]

Report of treasurer.

Chapter 497, Public Laws 1901 repealed.

SEC. 15. That chapter 497 of the Public Laws of 1901, being an act entitled "An act to establish graded schools in the town of Greenville, N. C.," and every part thereof, is hereby repealed.

SEC. 16. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 19th day of February, A. D. 1903.

1905—CHAPTER 132.

AN ACT TO EXTEND AND DEFINE THE BOUNDARIES OF THE GRADED SCHOOL DISTRICT OF THE GREENVILLE GRADED SCHOOLS, AND TO AMEND CHAPTER 106 OF THE PRIVATE LAWS OF 1903, ESTABLISHING SAID SCHOOLS.

The General Assembly of North Carolina do enact:

Boundaries of graded school district ordered

SECTION 1. That the first sentence in section thirteen of chapter one hundred and six of the Private Laws of one thousand nine hundred and three, commencing with the word "that," in line one, and ending with the word "town," in line seven, be and the same is hereby repealed and the following words substituted in lieu thereof, to-wit: "That the boundaries of said graded school district shall begin on Tar River at the mouth of Smith's Run; thence southwardly up the various courses of said run to the bridge across the same near the residence of L. C. Arthur; thence westwardly with the various courses of Town Branch under the railroad trestle to the Kinston Road; thence northwardly along the Kinston Road to the old Plank Road; thence northwardly a straight course to the junction of the Stantonsburg and Fair

New boundaries.

Grounds Roads; thence northwardly along the Stantonsburg Road to the River Road; thence northeastwardly along the River Road to the bridge across the ravine; thence down the ravine to Tar River, and thence down Tar River to the beginning."

District extended.

SEC. 2. That section twelve of said act be amended by striking out the words "corporate limits of said town" in lines one and two and insert in lieu thereof the words "boundaries of the graded school district."

Eligibility for trustees.

SEC. 3. That section six of said act be amended by adding at the end thereof the following words: "That any qualified voter living within the boundaries of said school district shall be eligible to election or appointment on said board of trustees."

SEC. 4. That section fourteen of said act be amended by adding to the end of the section the following words, to-wit: "but he shall not be entitled to receive any commissions or other compensation for receiving said fund."

How school taxes listed and collected.

SEC. 5. That the person or persons appointed to take the list of taxable property in said town and to collect the same shall also take the tax list and collect the taxes for the support of the schools in said graded school district and pay over the same to the town treasurer, to be by him disbursed according to law for the benefit of said graded schools.

Rate of tax and valuation of property.

SEC. 6. That in levying the taxes for the support of said graded schools the board of aldermen of said town of Greenville shall levy the same tax on all real and personal property within the boundaries of said school district, whether said property be within the corporate limits of said town or not, and in levying said tax the valuation fixed by the State and county assessments shall be taken as the valuation for this assessment.

SEC. 7. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

SEC. 8. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 21st day of February, A. D. 1905.

1911—CHAPTER 386.

AN ACT TO AMEND SECTION SIX OF CHAPTER ONE HUNDRED AND SIX, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THREE, RELATIVE TO TRUSTEES OF THE GREENVILLE GRADED SCHOOL, AND TO AMEND SECTION ONE, CHAPTER TWO HUNDRED AND SIXTY-ONE OF PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN, EXTENDING AND ENLARGING THE CORPORATE LIMITS OF THE TOWN OF GREENVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That that portion of section six of chapter one hundred and six, Private Laws of the General Assembly of North Carolina of one thousand nine hundred and three, pertaining to the trustees of the Greenville graded school, be and the same is hereby amended as follows:

Election of trustees.

SEC. 2. That said board of trustees shall be composed of seven members, to be elected by the board of aldermen of the town of

Greenville, at their regular monthly meeting in April, one thousand nine hundred and eleven, as follows: Two members whose term shall expire on July first, one thousand nine hundred and twelve; two members whose term shall expire on July first, one thousand nine hundred and thirteen; two members whose term shall expire on July first, one thousand nine hundred and fourteen; and one whose term shall expire July first, one thousand nine hundred and fifteen; and it is further enacted that as the term of each class as above named expires, the vacancy shall be filled by the board of aldermen at their regular monthly meeting in June of each year, and the members so chosen at said meeting shall hold office for four years beginning on July first, following the date of said election. It is *Further provided*, that at the election of trustees for said graded school in April, one thousand nine hundred and eleven, the board of aldermen shall select no persons who are not now members of the present board of trustees as constituted under the provisions of chapter one hundred and six of the Private Laws of one thousand nine hundred and three.

Terms.

Election and terms of successors.

Selection of first board.

[Sec. 3. It is further provided that after the aforesaid election of the board of trustees at April meeting of one thousand nine hundred and eleven, by the board of aldermen of the said town of Greenville, the board of trustees of the said Greenville graded schools shall submit a list of nominees composed of not less than three names for each vacancy occurring on said board of trustees by expiration of term, or otherwise, whenever any vacancy shall occur, or when such an election is due, and the board of aldermen shall elect such trustees from the names so furnished by the said board of trustees of the Greenville graded school.]

Nominations by trustees.

Superseded, S.L. 1969, ch. 243

Sec. 4. That the trustees of the Greenville graded school shall have full power and authority to divide the graded school district into such divisions or sub-divisions as it may deem best, and require children living within said division or subdivision to attend such schools as are provided by said board of trustees: *Provided, always*, that the trustees shall not discriminate in any way against one district, division or subdivision in favor of another.

Division of district.

Proviso: discrimination forbidden.

Sec. 5. That all acts or parts of acts in so far as they conflict with this amendment are hereby repealed, and the board of trustees of said graded school as now constituted shall be and the same is hereby abolished, from and after the election of the board of trustees by the board of aldermen of the town of Greenville as herein provided for at their regular monthly meeting in April, one thousand nine hundred and eleven.

Repealing clause.

Sec. 6. That this act, so far as it pertains to the election of the board of trustees by the board of aldermen, and the powers, duties and authorities herein granted to said board of trustees as so elected by the board of aldermen of the town of Greenville, at their regular April meeting of one thousand nine hundred and eleven, shall be in force and effect from and after said election of trustees by said board of aldermen, from and after the time for their regular April, one thousand nine hundred and eleven, monthly meeting of the said board of aldermen of the town of Greenville.

When act to take effect.

Sec. 7. That section one of chapter two hundred and sixty-one of the Private Laws of one thousand nine hundred and seven, be amended as follows: That the corporate limits of said town shall be enlarged

Corporate limits.

as follows: Beginning at the east end of Fifth street where the corporate limits cross said street and running three hundred and ninety-six feet along the extension of said Fifth street so extended by enlarging the town limits herewith to a ditch running across and being the end of said Fifth street extension; thence along said ditch almost due south six hundred and fifty-four feet to an iron stake on said ditch; thence southwest across the school property of the East Carolina Teachers' Training School twelve hundred feet to the Savage and White corner, a stake; thence along said White's line almost due north six hundred and fifty-four feet to the present corporate limits of the said town of Greenville.

SEC. 8. That all clauses and sections of laws in conflict with this act are hereby repealed.

SEC. 9. This act shall be in force from and after its ratification.

Ratified this the 6th day of March, 1911.

1927—CHAPTER 64

AN ACT RELATING TO THE GREENVILLE GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Special school tax district continued. Incorporation. Corporate powers. Control of school committee. Powers.

SECTION 1. That the special charter school district heretofore created by law, and comprising the territory set forth and defined in chapter one hundred and thirty-two of the Private Laws of nineteen hundred and five, shall remain and continue to be an independent school district and shall be a body politic and corporate under the name of "Greenville Graded School District," and as such is vested with all the property and rights of property now belonging to the said district, and under such name shall have power to contract and be contracted with, to sue and be sued, to adopt, change or alter its corporate seal, and shall have all the powers, rights and privileges now or hereafter conferred upon special charter school districts under the general law of the State, and the school committee having the management of the schools of the district shall continue to have control of schools as heretofore provided by law, with all the powers now or hereafter conferred upon such committees by the general laws of the State of North Carolina and the charter of the district.

Bonds issued by town for school buildings. School bonds deducted from town debt. Taxes levied on school district.

SEC. 2. That the town of Greenville having heretofore issued school bonds in its name for the erection of school buildings for and in the Greenville Graded School District, and the purchase of sites therefor, being purposes solely of said school district, the said school bonds of the town of Greenville so issued shall, from and after the ratification of this act, be deducted from the gross debt in any computation of the net debt of the town of Greenville, required or permitted by the Municipal Finance Act, or any other act now in force in the State, or in any similar act which may hereafter be enacted limiting the town in the issuance of bonds, and after the year one thousand nine hundred and twenty-seven taxes for the payment of the principal and interest of the bonds so issued in the name of the town of Greenville shall be levied solely upon the property taxable within the Greenville Graded School District.

Power to borrow money. Amount. Maturity of loans. Notes evidencing loans. Execution of notes. Provision for payment of notes.

SEC. 3. That the school committee of the Greenville Graded School District is hereby authorized to borrow money for the purpose of meeting appropriations made for the then current fiscal year, in anticipation of the collection of school taxes therefore levied by the board of aldermen of the town of Greenville for such fiscal year, and within ninety per centum (90%) of the amount of the estimated revenues from such taxes. Such loans shall be paid not later than the tenth day of October in the next succeeding fiscal year. The said loans shall be evidenced by notes of the Greenville Graded School District, which shall be executed by the chairman of the school committee under the corporate seal, attested by the secretary. Provision shall be made in the annual appropriations made by the school committee in each fiscal year for the payment of all unpaid loans predicated upon the taxes of the previous fiscal year.

Laws specifically repealed.

SEC. 4. That chapter two hundred and twenty-two of the Private Laws of nineteen hundred and fifteen, chapter fifty-three of the Private Laws of nineteen hundred and twenty-one, and chapter thirty-eight of the Private Laws of nineteen hundred and twenty-one, Extra Session, be and the same are hereby repealed.

SEC. 5. That this act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of February, A.D. 1927.

1969 CHAPTER 243

AN ACT TO ADD TWO NEW MEMBERS TO THE GREENVILLE CITY BOARD OF EDUCATION AND TO PROVIDE THAT THE CITY COUNCIL SHALL APPOINT MEMBERS TO SAID BOARD OF EDUCATION WITHOUT ANY RECOMMENDATION FROM SUCH BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. The terms of office of the members of the Greenville City Board of Education shall continue as now fixed by law. That in addition to the number of members of the Greenville City Board of Education there shall be appointed and added to said Greenville City Board of Education two (2) additional or new members. The terms of office of said new members shall be of the same duration as the terms of office of the present membership of the Greenville City Board of Education. The said two (2) new members shall be appointed by the City Council of Greenville and their terms of office shall begin on July 1, 1969 and they shall be appointed without any recommendation from the Greenville City Board of Education.

Sec. 2. All appointments to membership of the Greenville City Board of Education of whatsoever nature and kind and whether said appointments are made for new terms of office, reappointments or to fill vacancies in office of members of said Board of Education shall be made by the City Council of Greenville and without any recommendations of any nature or kind on the part of the Greenville City Board of Education or any of its members.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of April, 1969.

Corporate limits.

as follows: Beginning at the east end of Fifth street where the corporate limits cross said street and running three hundred and ninety-six feet along the extension of said Fifth street so extended by enlarging the town limits herewith to a ditch running across and being the end of said Fifth street extension; thence along said ditch almost due south six hundred and fifty-four feet to an iron stake on said ditch; thence southwest across the school property of the East Carolina Teachers' Training School twelve hundred feet to the Savage and White corner, a stake; thence along said White's line almost due north six hundred and fifty-four feet to the present corporate limits of the said town of Greenville.

Sec. 8. That all clauses and sections of laws in conflict with this act are hereby repealed.

Sec. 9. This act shall be in force from and after its ratification.

Ratified this the 6th day of March, 1911.

1927—Chapter 64

AN ACT RELATING TO THE GREENVILLE GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Special school tax district continued.

Incorporation.

Corporate powers.

Control of school committee.

Powers.

Section 1. That the special charter school district heretofore created by law, and comprising the territory set forth and defined in chapter one hundred and thirty-two of the Private Laws of nineteen hundred and five, shall remain and continue to be an independent school district, and shall be a body politic and corporate under the name of "Greenville Graded School District," and as such is vested with all the property and rights of property now belonging to the said district, and under such name shall have power to contract and be contracted with, to sue and be sued, to adopt, change or alter its corporate seal, and shall have all the powers, rights and privileges now or hereafter conferred upon special charter school districts under the general law of the State, and the school committee having the management of the schools of the district shall continue to have control of schools as heretofore provided by law, with all the powers now or hereafter conferred upon such committees by the general laws of the State of North Carolina and the charter of the district.

Bonds issued by town for school buildings.

School bonds deducted from town debt.

Taxes levied on school district.

Sec. 2. That the town of Greenville having heretofore issued school bonds in its name for the erection of school buildings for and in the Greenville Graded School District, and the purchase of sites therefor, being purposes solely of said school district, the said school bonds of the town of Greenville so issued shall, from and after the ratification of this act, be deducted from the gross debt in any computation of the net debt of the town of Greenville, required or permitted by the Municipal Finance Act, or any other act now in force in the State, or in any similar act which may hereafter be enacted limiting the town in the issuance of bonds, and after the year one thousand nine hundred and twenty-seven taxes for the payment of the principal and interest of the bonds so issued in the name of the town of Greenville shall be levied solely upon the property taxable within the Greenville Graded School District.

HENDERSONVILLE

1901—Chapter 122.

AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN OF HENDERSONVILLE.

The General Assembly of North Carolina do enact:

Section 1. The town of Hendersonville shall be and is hereby constituted a Graded School District for both white and colored schools.

Hendersonville a graded school district.

Sec. 2. That the school trustees hereinafter provided for shall have entire and exclusive control of the graded school interests and property in the town of Hendersonville, shall prescribe rules and regulations for their own government not inconsistent with the provisions of this act, shall elect their own chairman and secretary, employ and fix the compensation of teachers and do all other acts that may be just and lawful to conduct and manage the graded school interests in said town: *Provided*, all children resident in the town of Hendersonville, between the ages of six and twenty-one years, shall be admitted into said schools free of tuition charges: *Provided, further*, that the school trustees may receive as students non-resident children upon payment of reasonable tuition charges, to be fixed by said trustees: *Provided, further*, that the trustees shall allow such credits to the parents and guardians of non-resident children attending schools as they may think just and meritorious on account of the school taxes paid on property in the town by said parents and guardians: *Provided further*, that the said trustees may, in their discretion, if they think wise and proper, charge reasonable tuition for teaching the foreign languages.

Powers of school trustees.

Provision for free tuition.

Provision for non-resident students.

Provision for teaching foreign languages.

Names of trustees.

When to organize, etc.

Trustees divided into four classes.

Town commissioners to elect successors, when.

Superseded, S.L. 1969, ch. 689

Vacancies, how filled.

SEC. 3. W. A. Smith, J. Williams, A. E. Posey, J. G. Waldrop, L. T. Williams, C. H. T. Bly, J. P. Rickmore, C. F. Toms are hereby appointed school trustees for the graded school of said town of Hendersonville, and shall meet, organize and qualify within thirty days after the ratification of this act. As soon as the said trustees shall have qualified they shall divide themselves by lot into four classes. The first class shall be composed of two members, the second class of two members, the third class of two members, and the fourth class of two members. [Successors in office to the members of the first class shall be elected by the Board of Commissioners of said town of Hendersonville at their first meeting in June, 1902, and successors in office to the members of the second, third and fourth classes shall be elected by the Board of Commissioners of Hendersonville two, four and six years respectively thereafter. Persons elected school trustees by the Board of Commissioners shall be elected for a term of eight years. Vacancies caused by death, removal, failure to qualify or other cause shall be filled by said Board of Commissioners of the town of Hendersonville at any meeting.]

Question of special tax may be submitted.

Election.

May order new registration.

Form of ballots.

If authorized by majority of qualified voters, special tax to be levied.

Liabilities of tax-collector and treasurer.

Official bonds.

Special tax, how disposed of.

Amount of tax.

Proviso.

Amended, Pr. L. 1909, ch. 150

Length of school term.

SEC. 4. At any time after the ratification of this act, upon the petition of said school trustees, the Board of Commissioners of the town of Hendersonville shall submit to the qualified voters of said town the question whether a special school tax shall be annually levied to supplement the public school fund in said town. Said election shall be held under the rules and regulations governing municipal elections in said town, and for the purpose of said election the Board of Commissioners may order an entirely new registration. For the purpose of ordering said registration and election the Board of Commissioners may meet in special session. At said election those who favor the levying of such tax shall vote a ticket on which shall be written or printed the words "For Special Tax," and those who are opposed shall vote a ticket on which shall be written or printed the words "Against Special Tax." If a majority of the qualified voters shall be in favor of said tax the same shall be annually levied and collected as the other town taxes, and the tax-collector and treasurer of said town shall be subject to the same liabilities for the collection, safe-keeping and disbursement of the said tax as they are or may be for other town taxes, and shall give bonds sufficient to protect said money. The taxes levied and collected under the provisions of this act shall be placed by the town treasurer to the credit of said school trustees, and shall be applied exclusively to the support and maintenance of the graded schools in the town of Hendersonville. The special school tax thus levied and collected shall not exceed [twenty cents] on the one hundred dollars valuation of property and [sixty cents] on the poll: *Provided*, that the commissioners shall levy the amount of taxes for school purposes, not exceeding [twenty cents] on the one hundred dollars worth of property and [sixty cents] on the poll, which the trustees shall recommend as necessary to establish and run the schools for not less than seven nor more than ten months in each year.

Upon petition, commissioners to submit question of bond issue.

SEC. 5. That the said Commissioners shall at any time, upon the petition in writing of sixty per cent. of the qualified voters of said town, call an election to be held in the same way as elections are held for other municipal purposes, at a time to be fixed by said Commissioners, at which shall be submitted to the qualified voters of said town the question whether or not the said town shall contract a bonded indebtedness to an amount not less than five thousand dollars nor more than ten thousand dollars to erect or purchase graded school buildings in said town for the better education of the children of said town, at which election those favoring said bonded indebtedness shall vote a ticket upon which shall be written or printed the words "For Bonds," and those who oppose said indebtedness shall vote a ticket upon which shall be written or printed the words "Against Bonds." If a majority of the qualified voters shall vote in favor of said bonded indebtedness, then the Commissioners of the town of Hendersonville shall issue interest-paying coupon bonds (interest payable semi-annually) in such denominations as may best suit the market, payable at a time to be fixed by the Commissioners not later than thirty years from the date of said bonds, at the least rate of interest, not exceeding six per cent. per annum, as will enable them to sell said bonds at par. If said bonds shall be issued the interest thereon shall be paid by the levying and collection of a sufficient amount of taxes on the property and polls within said town annually to meet the payment of the interest coupons as they may fall due, and at the maturity of said bonds the principal shall be paid from taxes levied and collected according to law: *Provided*, said bonds shall not be sold for less than par.

Amount of bonds.

Form of ballots.

If authorized by a majority of qualified voters, bonds to issue.

Maturity.

Interest.

Interest, how paid.

Principal, how paid.

Sale price of bonds.

SEC. 6. The moneys which shall from time to time be apportioned under the general school law to the public schools in Hendersonville shall be placed to the credit of the school trustees provided for in this act. [ ]

Public school funds for Hendersonville to be turned over to graded school trustees.

Amended,
Added,
Pr.L. 1905,
ch. 207

SEC. 7. It shall be the duty of the said school trustees to distribute and apportion the school moneys placed to their credit so as to give each school in the town, white and colored, the same length of school term as nearly as may be each year.

SEC. 8. The said school trustees shall make an annual report to the Board of Commissioners of said town of Hendersonville of the receipts and disbursements of all school funds under their control.

Annual report.

SEC. 9. The school trustees hereby created shall be a body corporate by the name and style of "The Trustees of the Hendersonville Graded School," and by that name shall be capable of receiving gifts and grants, of purchasing and holding real and personal estate, or selling, mortgaging and transferring the same for school purposes, of prosecuting and defending suits for or against the corporation hereby created. Conveyances to said school trustees shall be to them and their successors in office.

School trustees created a body politic.

Corporate powers

Conveyances to, when made.

SEC. 10. That all laws and clauses of laws in conflict with this act are repealed.

Conflicting laws repealed.

SEC. 11. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1901.

1905—CHAPTER 207.

AN ACT TO AMEND THE GRADED SCHOOL LAW OF THE TOWN OF HENDERSONVILLE.

The General Assembly of North Carolina do enact:

School-house fund.

SECTION 1. That chapter one hundred and twenty-two of the Private Laws of one thousand nine hundred and one be amended by adding to section six of said chapter the following words: "That the board of trustees of the said graded school shall have the right to repair, buy new furniture or make any alterations or improvements in the graded school buildings which they in their discretion may deem necessary; and they shall also have the right to set apart out of the graded school moneys an amount not exceeding five per cent. of such fund, to be known as a school-house fund, which shall be used for the purposes hereinbefore mentioned."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1905.

1909—CHAPTER 150

AN ACT TO AMEND THE GRADED-SCHOOL LAW OF HENDERSONVILLE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Tax limit.

SECTION 1. That section four of the Private Laws of one thousand nine hundred and one, chapter one hundred and twenty-two, be amended as follows: In line twenty-five of said section strike out the word "twenty" and insert in lieu thereof the word "thirty"; in line twenty-six of said section strike out the word "sixty" and insert in lieu thereof the word "ninety"; in line twenty-eight of said section strike out the word "twenty" and insert in lieu thereof the word "thirty"; and in line twenty-nine of said section strike out the word "sixty" and insert in lieu thereof the word "ninety."

Election on ratification of act.

SEC. 2. That the Board of Commissioners of Hendersonville, from time to time, but not oftener than once in any one year, shall, upon the filing with them of a petition, signed by one-fourth of the qualified voters of said town, asking it to be done, call an election, to be held as provided by law and as provided in section five, chapter one hundred and twenty-two, Private Laws of one thousand nine hundred and one, at which shall be submitted to the qualified voters of said town the ratification of the provisions in section one hereof.

When section one effective.

SEC. 3. That section one hereof shall be in force and become effective only after the same shall have been approved by a majority of the qualified voters of said town at an election to be held as provided in section two hereof.

SEC. 4. That all laws in conflict with this act are hereby repealed.

SEC. 5. That this act shall be in full force from and after its ratification.

Ratified this the 26th day of February, A. D. 1909.

1953—CHAPTER 719

AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF THE HENDERSONVILLE GRADED SCHOOLS TO ACQUIRE ADDITIONAL LANDS FOR SCHOOL BUILDING SITES REASONABLY NECESSARY FOR THE EXPANSION OF THE PUBLIC SCHOOL SYSTEM IN SAID DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Trustees of the Hendersonville Graded Schools District be, and they are hereby authorized, empowered and directed, in their discretion, to acquire by purchase, or otherwise, such additional lands for school site purposes as may be reasonably necessary for the expansion of the Public School System in the Hendersonville Graded Schools District.

Sec. 2. That any site, or sites, purchased pursuant to the authority hereby granted may be for cash or terms, or both. If bought on terms, partly or in whole, a purchase money mortgage or deed of trust may be executed and delivered by said Board to the seller to secure the deferred payments. Said mortgage or deeds of trust shall be signed by the Chairman of the Board of Trustees of the Hendersonville Graded Schools District and attested by the Superintendent and shall be acknowledged in the same manner as corporate conveyances. The seal of the board shall be affixed if the board has a seal. When signed, executed and acknowledged as hereby required, all such deeds of trust and mortgages shall constitute a valid lien against the property therein described in the same manner and to the same extent as mortgages and deeds of trust executed by individuals and corporations and, in the event of default, shall be foreclosed in the manner required by law.

Sec. 3. The price to be paid for any land or lands acquired pursuant to this Act shall be within the sound discretion of the board of trustees, but they shall use their best efforts to acquire same at a price not to exceed its reasonable market value.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1953.

1959—CHAPTER 551

AN ACT AUTHORIZING THE HENDERSONVILLE CITY BOARD OF EDUCATION TO APPOINT AN ADVISORY COMMITTEE FOR ANY SCHOOL WITHIN THE HENDERSONVILLE CITY ADMINISTRATIVE UNIT.

The General Assembly of North Carolina do enact:

Section 1. That the Hendersonville City Board of Education is hereby authorized in its discretion to appoint an advisory committee of not more than six members for any school within the Hendersonville City Administrative Unit, for such term as said Board of Education may designate. Such advisory committee shall perform such duties on such terms and conditions and in such a manner as may be assigned to it by appropriate resolution of the Hendersonville City Board of Education. Each such advisory committee shall elect from its number a chairman and a secretary, who shall keep a record of its proceedings in a book to be kept for that purpose, which shall be open to public inspection. The names and addresses of the chairman and the secretary shall be reported to the city superintendent and recorded by him. The committee shall meet as often as the school business may require.

Sec. 2. This Act shall apply to the Hendersonville City Administrative School Unit only.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1959.

1969 CHAPTER 689

AN ACT TO PROVIDE FOR THE APPOINTMENT OF MEMBERS OF THE CITY BOARD OF EDUCATION OF HENDERSONVILLE, AND TO FIX THEIR TERM OF OFFICE.

The General Assembly of North Carolina do enact:

Section 1. The City Board of Education of Hendersonville, North Carolina, shall consist of seven members, who shall be residents of the Hendersonville Administrative School Unit, to be appointed by the Board of Commissioners of the City of Hendersonville.

Sec. 2. At its regular meeting next preceding the first Thursday in June, 1969, and quadrennially thereafter, the Board of Commissioners shall appoint the members of the City Board of Education of Hendersonville to serve for a term of four years, beginning on the first Thursday of June, 1969.

Vacancies occurring for any reason in the City Board of Education shall be filled by the Board of Commissioners of the City of Hendersonville for the unexpired term, and said appointment to fill a vacancy shall be made at the next regular meeting of the Board of Commissioners of Hendersonville or within thirty days following the occurrence of the vacancy.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1969.

HICKORY

1909—Chapter 313.

AN ACT TO REVISE, AMEND AND CONSOLIDATE THE SCHOOL LAWS OF THE CITY OF HICKORY.

The General Assembly of North Carolina do enact:

Territory constituting Hickory school district.

Section 1. That for the purposes and benefits of this act, all the territory within the corporate limits of the city of Hickory, Catawba County, as is now or shall hereafter be prescribed, shall be and remain and is hereby constituted a public-school district for both white and colored children, and shall hereafter be known as the "Hickory School District," and that a special tax for school purposes, to wit, twenty cents on each one hundred dollars valuation of property and sixty cents on each taxable poll, shall continue to be levied and collected annually, to the same extent and in the same manner as the said tax is now and has been heretofore levied and collected in the Hickory Graded-school District: *Provided*, that if a majority of the registered voters of said city of Hickory shall vote in favor of the tax hereinafter provided for, then the tax for the use and benefit of the schools of said district shall be levied and collected in amounts, at times and in the manner hereinafter provided.

Special school tax.

Proviso: school tax if ratified by voters.

[Sec. 2. That the public schools in said district shall be under the control of a board of school trustees composed of [six members; that G. F. Ivey, C. F. Blalock, N. E. Aull, W. F. Bruns, J. F. Abernethy and H. E. McComb, the present Board of Trustees of the Hickory Graded-school District, shall be and are hereby con-

Control of schools by trustees.

Trustees named.

Superseded,
S.L. 1971,
ch.930

Terms of trustees.
Election of successors.
Vacancies.
Proviso: representation of wards.
Proviso: trusteeship not office.

stituted trustees of the Hickory School District, and shall serve until their successors are elected and qualified, as herein provided. The successors of the first three named shall be elected at the election of municipal officers of the city of Hickory in the year one thousand nine hundred and nine, for a term of two years, and the successors of the last three named shall be elected at the election of municipal officers of the city of Hickory in the year one thousand nine hundred and ten, for a term of two years. At each annual municipal election thereafter three school trustees shall be elected for a term of two years to succeed the three retiring members. Any vacancy in the board of trustees shall be filled by the other members of the board, whether such vacancy shall occur by reason of death, resignation, failure to elect or otherwise: *Provided*, that whenever the city of Hickory shall be divided into wards, each ward shall be represented in the board of school trustees: *Provided*, that the position of school trustee, as hereby created, shall not constitute an office or place of trust, within the meaning of section seven article fourteen of the Constitution of North Carolina.]

Board of trustees incorporated.
Corporate name.
Corporate powers.
Corporate seal.

SEC. 3. That the board of school trustees hereby created, and its successors, shall be and is hereby constituted a body corporate, by the name and style of "Board of School Trustees of Hickory," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with; may acquire, by gift, grant, purchase, devise or otherwise, real and personal property, and may hold, exchange, mortgage or sell the same in any manner and to any extent the said board may deem advisable; and may exercise such other rights and privileges as are incident to other corporations, and may have a corporate seal, which it may break and change at pleasure.

Establishment of schools.
Appropriation and use of funds.
Proviso: donations.

SEC. 4. That it shall be the duty of the said board of school trustees to establish separate schools for the white and the colored children of the said school district, to grade the schools for either race, and to appropriate and use the funds from special taxes and from State and county school funds in such manner as may be deemed just to both races, due regard being had to differences in the requirements and the cost of maintaining said schools: *Provided*, donations and income for the benefit of any special school may be so applied.

Enumeration of powers of trustees.

SEC. 5. That the said board of trustees shall have entire and exclusive control of the public schools and all public-school property in the said Hickory School District; shall prescribe rules and regulations for its own government, not inconsistent with the provisions of this act; shall prescribe rules and regulations for the government of the schools, conduct of pupils, teachers and officers, and for the preservation, control and use of all school property; shall employ and fix the compensation of teachers and officers of such schools; may provide for the examination of teachers and may dismiss teachers; shall determine the grades to be taught in each school; may adopt the text-books to be used in the said schools; shall cause to be taken an accurate census of the school population of said district, in accordance with the general school law of the State, and transmit a copy thereof to the county superintendent of schools or other proper person, and shall exercise any and all other powers the said board may deem necessary or advantageous for the successful control and operation of said schools and the management of school property in said district: *Provided*, that all children between the ages of six and twenty-one years whose parents or guardians reside and live within the limits of said district shall be admitted into the schools free of tuition charges. The board of trustees may admit pupils whose parents or guardians live outside the limits of said district, under such regulations and upon the payment of such tuition charges as the said board of trustees may fix and require.

Proviso: children admitted free of tuition.

Nonresident pupils.

Sec. 6. That the board of trustees of said district shall organize annually by electing a chairman and a secretary. The said board shall cause to be kept an accurate record of its proceedings. The trustees shall elect annually one of their number treasurer and custodian of all the school funds belonging to said district. The treasurer shall give bond in such sum as the board may require. The said treasurer shall receive and hold as a fund all moneys received from special taxes, gifts, grants, apportionments or other source, and shall pay out said moneys only upon the order of the board. The said treasurer shall furnish annually to the board of aldermen of the city of Hickory a statement, in writing, of the receipts and disbursements of school moneys, properly endorsed and approved by the chairman and the secretary of the board of trustees.

Organization.

Record of proceedings.

Election of treasurer.

Treasurer to give bond.

Duties of treasurer.

School orders.

Annual reports.

Sec. 7. That in the apportionment of the public-school funds derived from the State and county of Catawba, the County Board of Education of Catawba County or others having authority under the public-school laws of the State shall determine the amount to be apportioned each year to the public schools of said Hickory School District by dividing the whole of the total amount of the county school fund, first deducting the county treasurer's commission or part of the salary to be paid out of the said funds, and also the amount reserved by the county board of education for office expenses of the county superintendent of public schools, and for per diem and mileage of the said board, by the total number of children of school age in Catawba County, as determined by the last school census preceding that apportionment, and then multiplying the quotient so obtained by the total number of children of school age within the said Hickory School District, as determined by the last census preceding that apportionment, and the amount so ascertained and determined shall be paid by the county treasurer to the treasurer of the said board, to be used for the benefit of schools in the said district, under the control and direction of the said board of trustees: *Provided*, that in the apportionment of the school funds of Catawba County the provisions of this act shall extend and apply only to the amount to be apportioned each year to the Hickory School District.

Apportionment from general school funds.

Proviso: extent of act.

Sec. 8. That the board of aldermen of the city of Hickory shall, within forty days after the ratification of this act, order an election to be held in said city within sixty days next after the date of said order, at which election shall be submitted to the qualified voters of said city the question of levying an annual tax of thirty cents on the one hundred dollars assessed valuation of property and ninety cents on each taxable poll for the support of the public schools in the said Hickory School District. Said board of alder-

Election on school tax.

Notice of election.

New registration.
Law governing election.

men shall give thirty days' notice of such election in some newspaper published in said city of Hickory. There shall be a new registration of voters for this election, and only those who register for this election shall be deemed qualified voters in said election. Said election shall be held in the same manner as is provided for in the election of mayor and aldermen for said city.

Ballots.
Tax to be levied and collected.
Proviso: present tax to continue.

Sec. 9. That in the election held under the provisions of section eight (8) of this act those who favor the levying of such tax for the support of the schools in said district shall vote a written or printed ballot with the words "For Schools" upon it, and those who oppose such tax shall vote a written or printed ballot with the words "Against Schools" upon it. If a majority of the qualified voters of said city of Hickory shall vote in favor of such tax for the support of the schools, then the same shall be levied and collected under the same regulations as are provided by law for levying and collecting all other taxes in and for the said city of Hickory: *Provided*, that if a majority of the qualified voters shall vote against said tax, then the present tax of twenty cents on the one hundred dollars assessed valuation of property and sixty cents on each taxable poll, as heretofore voted for the benefit of the Hickory Graded-school District shall continue to be levied and collected in the Hickory School District.

Election for school tax on petition.
Notice of election.
Law governing election.
Proviso: only one election each year.

Sec. 10. That upon the written application of one hundred citizens of the city of Hickory, it shall be the duty of the board of aldermen of said city to submit to the qualified voters, within three months after the filing of such petition, the question of levying an annual tax for the support of the public schools in said city. The said board of aldermen shall give thirty days' notice of such election in some newspaper published in said city, and the said notice shall specify the amount of tax to be levied. Said election shall be held in the same manner as is provided for the election of mayor and aldermen for said city, and at such time or times as may be designated by said board of aldermen: *Provided*, that such election shall not be held oftener than once in any twelve months.

Ballots.
Tax to be levied and collected.
Proviso: limit of tax.

Sec. 11. That in an election held under the provisions of section ten (10) of this act, those who favor the levying of such tax shall vote a written or printed ballot with the words "For Schools" upon it, and those opposed to levying such tax shall vote a written or printed ballot with the words "Against Schools" upon it. If a majority of the qualified voters of said city shall vote for such tax, then the same shall be levied and collected annually, under the same regulations as are provided for levying and collecting all other taxes in and for the said city of Hickory: *Provided*, that the special taxes so levied and collected shall not exceed forty cents on the one hundred dollars assessed valuation of property and one dollar and twenty cents upon each taxable poll.

Election on issue of school bonds.
Amount to be voted on.
Notice of election.

Sec. 12. That upon the petition of one hundred citizens of the city of Hickory the board of aldermen of said city shall, within sixty days after such petition is presented, order an election to be held, at which election shall be submitted to the qualified voters of said city the question of issuing bonds, in the sum of not exceeding fifteen thousand dollars ($15,000), to be known as school bonds. The board of aldermen shall give thirty days' notice of

New registration.
Law governing election.

such election in some newspaper published in said city. There shall be a new registration of voters for such election, and only those who register for said election shall be deemed qualified voters in said election. Said election shall be held in the same manner as is provided for the election of mayor and aldermen for said city of Hickory.

Ballots.
Returns of election.
Declaration of result.
Further elections.
Proviso: not more than one election in any one year.

SEC. 13. That those who favor the issue of bonds and the levy of taxes herein provided for shall vote a written or printed ballot with the words "For School Bonds" upon it, and those opposed to the issue of bonds shall vote a written or printed ballot with the words "Against School Bonds" upon it. The judges of said election shall make separate returns of said election, in duplicate, one to the board of aldermen of the city of Hickory and one to the Register of Deeds of Catawba County, certifying the number of qualified voters registered for said election, the number of votes cast for and the number cast against such bond issue, and they shall declare the result of said election. If at said election the voters fail to authorize such issue of bonds and levy of taxes, the board of aldermen shall call an election at any time or times thereafter, under the provisions of this act: *Provided*, that an election under the provisions of this act shall not be held oftener than once in any twelve months.

Issue of bonds.
Limit of amount.
Denominations.
Maturity.
Interest.
Date.
Authentication.
Sale of bonds.
Bonds not to be sold below par.
Exemption from taxation.
Interest receivable for taxes.
Use of proceeds.

SEC. 14. That whenever a majority of the qualified voters of the city of Hickory shall vote in favor of such school bonds and taxes, the board of aldermen of said city of Hickory shall issue, from time to time, as may be requested, in writing, by the board of school trustees of Hickory, coupon bonds of the city of Hickory, not exceeding in the aggregate the sum of fifteen thousand dollars ($15,000). Said bonds shall be issued in denominations of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000), and shall run for a term of thirty years, all of which shall bear interest at the rate of five (5) per cent per annum, payable semiannually, and all of said bonds and interest coupons shall be due and payable after maturity, and upon demand, at the office of the treasurer of the city of Hickory, and shall be dated at such time or times as shall be designated by said board of school trustees. Said bonds shall be signed by the mayor of said city of Hickory and attested by the city clerk, and shall have the corporate seal of said city affixed thereto. The interest coupons shall be signed by the mayor only. When any of said bonds shall have been issued by said board of aldermen they shall be turned over to said board of school trustees, and said board of trustees shall dispose of the same for the best price obtainable; however, no bonds shall be sold for less than the par value thereof. Said bonds shall be exempt from taxation for State, county and municipal purposes, and the interest coupons shall be receivable in payment of city taxes. The proceeds from the sale of said bonds shall be applied to the purchase of school sites, to the building and equipment of school buildings, and to no other purpose whatever.

Special tax for interest and sinking fund.

SEC. 15. That the board of aldermen of the city of Hickory is empowered, whenever it shall be necessary to do so, for the satisfaction and payment of the principal or interest of said bonds, to levy annually on all persons and property subject to taxation

Limit of tax rate.

within the limits of said city of Hickory a special tax for the purpose of creating a sinking fund for the payment of the principal and interest of said bonds. In no case shall the said special tax exceed ten cents on the one hundred dollars assessed valuation of property and thirty cents on each taxable poll.

Taxes paid to school treasurer.

SEC. 16. That all taxes levied and collected in said Hickory School District for the use and benefit of said schools, under the authority of the general school law or under authority of this act, shall be paid over to the treasurer of said board of trustees by the sheriff, city tax collector or other person or persons having charge of same, for the benefit of the public schools of said district.

Penalties, forfeitures and fines paid over.

SEC. 17. That the mayor of said city of Hickory, the chief of police or other person having authority is hereby empowered to pay to the treasurer of said board of trustees the clear proceeds of all penalties, forfeitures and fines collected in the said city of Hickory for the violation of the ordinances of said city, when the violation of such ordinances is not and does not constitute a breach of the penal or military laws of the State of North Carolina.

Liability of tax collector.

Bond and compensation.

SEC. 18. That the city tax collector shall be subject to the same liabilities for the collection and disbursement of all special taxes for the use and benefit of the schools as he may be for other city taxes, and his bond and compensation shall be fixed by the board of aldermen of the said city of Hickory.

Annual reports.

SEC. 19. That the said board of trustees shall make annually to the board of aldermen of said city a full and detailed report of the moneys received and the sources of such revenue, the amount expended and the objects of such expenditures, and the enrollment, attendance and general condition of the schools of said district. A copy of such report shall be made to such other person or persons as may be required by law.

Law not repealed without specific designation.

SEC. 20. That no part of this act relating to schools in said Hickory School District shall be repealed or amended by any general law, unless the said law shall designate specifically this act and the section thereof to be repealed or amended.

SEC. 21. That all laws or parts of laws in conflict with this act are hereby repealed, in so far as the same applies to the Hickory School District.

SEC. 22. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1909.

1913—CHAPTER 68.

AN ACT TO REPEAL ITS PRESENT CHARTER AND LAWS IN CONFLICT WITH THIS ACT, AND TO INCORPORATE THE CITY OF HICKORY.

The General Assembly of North Carolina do enact:

* * *

ARTICLE XV

SCHOOLS.

Public school district.

Entitlement.

City council to maintain schools.

Control of buildings and property.

Power to condemn lands.

Powers in regard to schools.

Taxes to maintain schools.

SECTION 1. All the territory within the corporate limits of the city of Hickory, Catawba County, as is now or shall hereafter be prescribed, shall be and remain and is hereby constituted a public school district for both white and colored children, and shall hereafter be known as the "Hickory School District." The city council shall be charged with the duty of maintaining an adequate and sufficient system of public schools within the "Hickory School District," and shall construct and maintain proper buildings, and to that end the public school buildings and all other property now used, or which may be hereafter acquired within the city of Hickory for school purposes, shall be under their control and subject to the disposition of the city council. The city council shall have the same power and authority to condemn lands and to do and perform any and all other acts to acquire and control school property as is given or may be conferred by law upon said council with reference to acquiring lands for streets or any other public purpose, and may control school property and grounds in like manner as it is empowered to control streets; and the said council shall also have such power not in direct conflict with the provisions of this article, with regard to the public schools of the Hickory School District, and the officers, teachers, and employees thereof, as is now conferred by law upon the Board of Commissioners of Catawba County and the Board of Education of Catawba County with regard to the public schools of the county; and the said council shall have charge of the collection of taxes to maintain the schools, and construct school buildings, and the handling and the disbursement of all money used for school purposes.

Superintendent of schools.

Teachers and employees.

Proviso: lists submitted by superintendent.

SEC. 2. The city council is charged with the duty of electing, annually, a competent, skilled, and expert man as superintendent of the public schools of the Hickory School District, and also such other teachers and employees for the conduct of such schools as may be necessary, and for such time as it may indicate: *Provided*, all teachers and other employees for the conduct of such schools as may be necessary shall be elected from a list submitted to the city council by the superintendent, and if the city council is unable or refuses to elect from the list so furnished, it shall call on the superintendent from time to time for other lists, which it shall be his duty to furnish.

Grounds for selection.

SEC. 3. It shall be the duty of the superintendent in making his recommendations, and the city council in electing persons to serve the public school interests, to consider ability, education, character, and efficiency for the performance of the duties for which such person or persons named are being considered, and allow these qualities to control in making such selection.

Superintendent to devote whole time to schools.

Powers and responsibility of superintendent.

SEC. 4. It shall be the duty of the superintendent of schools of the Hickory School District to devote his time and attention exclusively to them during the school year, except when leave of absence is granted by the city council for short periods of time for good cause. He shall have immediate and direct control over all teachers and janitors of the school buildings and other persons in charge thereof, and shall be responsible for their efficiency. He

Power to discharge teacher or employee.

Discipline and order.

Rules and regulations.

Report on discharge of teacher or employee.

Recommendation of school visitors.

Hearing on appeal.

Superintendent removable for cause.

shall have power to discharge any teacher or other employee connected with the schools for any cause satisfactory to himself, and to maintain discipline and order, and establish rules and regulations for the government of the schools; and from his authority, with respect to the discharge of teachers or employees, the manner and method of appeal shall be as hereinafter set forth, and not otherwise. The fact of and reasons for the discharge of any teacher or other employee shall be reported, within twenty-four hours after such discharge, in writing to the city council; and a copy of said report shall, within said time, be furnished to the discharged teacher or other employee and a copy furnished to the board of school visitors. If at least two members of the board of school visitors shall, in writing, recommend that the city council hear an appeal of the discharged teacher or employee, the city council shall have the power and it shall be its duty to review the action taken by the superintendent of the public schools of the Hickory School District. All appeals so recommended shall be promptly heard by the city council, and from its action there shall be no appeal or review. The superintendent of public schools of the Hickory School District shall be subject to be removed from his office by the city council for inefficiency or other cause satisfactory to said council. There shall be no appeal or review from the action of the city council in reference to the removal of the said superintendent.

Appointment of school visitors.

Terms of office.

Appointment of successors.

SEC. 5. In May of the year one thousand nine hundred and thirteen the city council shall, and it shall be its duty to, appoint three persons, male or female, residents of the city of Hickory, as school visitors of the public schools of the Hickory School District, one of whom shall serve during a term of three years, another shall serve during a term of two years, and the third shall serve during a term of one year. In May of each year after the year one thousand nine hundred and thirteen the city council shall, and it shall be its duty to, appoint or elect a male or female resident of the city of Hickory as school visitor of the public schools of the Hickory School District.

Board of school visitors.

Duty of board.

Quarterly reports.

Reports subject to inspection.

Action on recommendation of board.

SEC. 6. The school visitors appointed or elected as aforesaid shall constitute the board of school visitors of the public schools of the Hickory School District. The said board shall, and it shall be its duty to, visit the different public schools of the city at least once each month during the school year, and every three months submit to the city council a written report of the conditions of the school grounds and buildings and of the method and manner in which said schools are being conducted. The said reports shall be filed in the office of the city manager and shall, during reasonable hours, be subject to the inspection and examination of any resident of the city of Hickory. Any and all recommendations made by the board of school visitors shall be acted upon by the city council in the regular course of its business within fifteen days from the time of making such report.

Resident pupils.

Proviso: nonresident pupils.

SEC. 7. Only persons who are *bona fide* residents of the city of Hickory shall be entitled as pupils to the benefits of the public schools thereof: *Provided, however,* if there be facilities, after providing for the education of all residents, nonresidents of the city may be admitted by the city council to the public schools of Hickory upon the payment of such charges as the city council may determine, by order spread upon its minutes, are just.

SEC. 8. The city council shall annually, at the time other taxes are levied, levy a tax for school purposes of forty cents on the hundred dollars of property assessed for taxation in the city of Hickory and one dollar and twenty cents on each taxable poll, which amount shall be collected as other taxes and deposited with the city treasurer as other city funds, and the same shall and must be kept exclusively for school purposes, and a separate account thereof shall be kept by the tax collector and the city treasurer.

School tax.
Rate.
Exclusively for school purposes.
Separate accounts.

SEC. 9. That in the apportionment of the public school funds derived from the State of North Carolina and county of Catawba, the county board of education of Catawba County, or others having authority under the public school laws of the State, shall determine the amount to be apportioned each year to the public schools of said Hickory School District by dividing the whole of the total amount of the county school fund, first deducting the county treasurer's commission or part of the salary to be paid out of the said funds, and also the amount reserved by the county board of education for office expenses of the county superintendent of public schools, and for per diem and mileage of the said board, by the total number of children of school age in Catawba County as determined by the last school census preceding that apportionment, and then multiplying the quotient so obtained by the total number of children of school age within the said Hickory School District, as determined by the last census preceding that apportionment, and the amount so ascertained and determined shall be paid by the county treasurer to the treasurer of the city of Hickory, to be used exclusively for the benefit of the schools of said district under the control and direction of the city council of the city of Hickory: *Provided*, that in the apportionment of the school funds of Catawba County the provisions of this section shall extend and apply only to the amount to be apportioned each year to the Hickory School District.

Apportionment from general school fund.
Proviso: limit of application.

1971 - CHAPTER 930

AN ACT TO PROVIDE FOR THE ELECTION OF MEMBERS TO THE BOARD OF EDUCATION OF THE HICKORY ADMINISTRATIVE SCHOOL UNIT.

The General Assembly of North Carolina enacts:

Section 1. The Board of Education of the Hickory Administrative School Unit shall continue to consist of seven (7) members, and the present members of the Board of Education of the Hickory Administrative School Unit shall continue to hold their offices for the terms of office hereby established and until the term of office of each member has expired as follows:

Ward 1	William L. Cauble, Jr.	First Monday in Dec. 1973
Ward 2	C. R. Cagle	First Monday in Dec. 1973
Ward 3	Gene D. Smith	First Monday in Dec. 1973
Ward 4	Sam Dula	First Monday in Dec. 1971
Ward 5	Dr. W. E. Leonard	First Monday in Dec. 1973
Ward 6	Mrs. J. E. Barringer	First Monday in Dec. 1971
Member-at-Large	Weldon S. Fanjoy	First Monday in Dec. 1971

or until his successor has been elected and qualified as hereinafter provided and thereafter the term of office of each member of the Board shall be four years.

Sec. 2. The territory of the unit is hereby divided into six (6) wards described as follows:

WARD 1

Beginning at a point in the intersection of the center line of Main Avenue, N.W. and the center line of 2nd Street, N.W., and running thence North with the center line of 2nd Street, N.W. to the center line of 5th Avenue, N.W.; thence East with the center line of 5th Avenue, N.W. to the center line of 1st Street, N.W.; thence North with the center line of 1st Street, N.W. to the center line of 8th Avenue, N.W.; thence West with the center line of 8th Avenue N.W. to the center line of 2nd Street, N.W.; thence North with the center line of 2nd Street, N.W. to the center line of 9th Avenue, N.W.; thence West with the center line of 9th Avenue, N.W. to the center line of 4th Street Drive, N.W.; thence North with the center line of 4th Street Drive, N.W. and its proposed extension in a northern direction to the center line of 15th Avenue, N.W.; thence North with the center line of 1st Street, N.W. to the center line of 16th Avenue, N.W.; thence in a Northerly direction to the intersection of the center line of 17th Avenue and the center line of 2nd Street, N.W.; thence North with the center line of 2nd Street, N.W. in a Northwestern direction to the center line of 20th Avenue Drive, N.W., the corporate limits of the City of Hickory; thence with the corporate limits of the City of Hickory in an Easterly direction to the center line of North Center Street (Highway 127); thence North with the center line of North Center Street (Highway 127) to Catawba River; thence East and Southeast with the South Bank of Catawba River to the mouth of Falling Creek; thence with the West Bank of Falling Creek in a Southerly direction to the point where the Creek hits the Old Ward Line between 1 and 2; thence Southwest approximately 350 feet to the corporate limits of the City of Hickory in 10th Street, N.E. extended; thence with the former northern city limit of the City of Hickory west; thence South; thence West; thence South, thence in a Westerly direction again to the point where said city limit line intersects the center line of 5th Street, N.E. (the same being approximately 200 feet South of 13th Avenue, N.E.); thence in a southwesterly direction with the center line of 5th Street, N.E. to its intersection with the center line of 10th Avenue Drive, N.E.; thence in a southeasterly direction with the center line of 5th Street, N.E. to the point of its intersection with the center line of 8th Avenue, N.E.; thence with the center line of 8th Avenue, N.E. in a southeasterly direction to the point of its intersection with the center line of 6th Street, N.E.; thence with the center line of 6th Street, N.E. in a southwesterly direction to the point of its intersection with the center line of 7th Avenue, N.E.; thence with the center line of 7th Avenue, N.E. in a northwesterly direction to the point of its intersection with 5th Avenue Place, N.E.; thence with the center line of 5th Avenue Place, N.E. in a southwesterly direction to the point of its intersection with the center line of 5th Avenue, N.E.; thence with the center line of 5th Avenue, N.E. in a westerly direction to the point of its intersection with the center line of 3rd Street, N.E.; thence with the center line of 3rd Street, N.E. in a southerly direction to the point of its intersection with the center line of 2nd Avenue, N.E.; thence with the center line of 2nd Avenue, N.E. in an easterly direction to the point of its intersection with the center line of 4th Street, N.E.; thence with the center line of 4th Street, N.E. in a southerly direction to the point of its intersection with the center line of Main Avenue, N.E.; thence with the center line of Main Avenue, N.E.; in a southwesterly and then a westerly direction to the point of BEGINNING.

WARD 2

Beginning at the point of intersection of the center line of 4th Street, N.E. and the center line of Main Avenue, N.E. and running thence with the center line of 4th Street, N.E. in a northerly direction to the point of its intersection with the center line of 2nd Avenue, N.E.; thence in a westerly direction with the center line of 2nd Avenue, N.E. to the point of its intersection with the center line of 3rd Street, N.E.; thence with the center line of 3rd Street, N.E. in a northerly direction to the point of its intersection with the center line of 5th Avenue, N.E.; thence in an easterly direction with the center line of 5th Avenue, N.E. to the point of its intersection with the center line of 5th Avenue Place, N.E.; thence with the center line of 5th Avenue Place, N.E. in a northeasterly direction to the point of its intersection with the center line of 7th Avenue, N.E.; thence with the center line of 7th Avenue, N.E. in a southeasterly direction to the point of its intersection with the center line of 6th Street, N.E.; thence with the center line of 6th Street, N.E. in a northeasterly direction to the point of its intersection with the center line of 8th Avenue, N.E., thence with the center line of 8th Avenue N.E. in a northwesterly direction to the point of its intersection with the center line of 5th Street, N.E.; thence with the center line of 5th Street, N.E. in a northwesterly direction to the point of its intersection with the center line of 10th Avenue Drive, N.E.; thence with the center line of 5th Street, N.E.; in a northeasterly direction to the point of its intersection with the city limits line of the City of Hickory; thence with the old city limits line of the City of Hickory in several courses and distances first east, thence north, thence east, thence north, thence east to a point in corporate limits of the City of Hickory in 10th Street, N.E., extended; thence with the Old Ward Line between Ward 1 and 2 approximately 350 feet N.E. to the West Bank of Falling Creek; thence with the West Bank of Falling Creek in a Southeasterly direction to a point where the creek hits the 1965 corporate limits of the City of Hickory at 12th Avenue, N.E. between 13th and 14th Street, N.E.; thence following the 1965 city limits to the center line of 12th Avenue N.E. at 10th Avenue, N.E.; thence along 10th Avenue, N.E. to the point where 10th Avenue, N.E. meets 18th Street, N.E.; thence in a Southerly direction with the corporate limits of the City of Hickory to a point approximately 1400 feet Southwest of Main Avenue, S.E.; thence due South approximately 2600 feet to Clark's Creek; thence Northwest to the center line of 3rd Avenue Drive, S.E.; thence West with the center line of 3rd Avenue Drive, S.E. and 3rd Avenue, S.E. to the corporate limits of the City of Hickory; thence Northwest with the center line of 8th Street Drive, S.E. to the center line of 1st Avenue, S.E.; thence North with the center line of 8th Street, S.E. to the center line of "E" Avenue, S.E.; thence Northwest with the present Ward line between Ward 2 and 3 (present Ward designation) to the intersection of the center line of 5th Avenue, N.E. and the center line of Main Avenue, N.E.; thence Southwest with the center line of Main Avenue, N.E. to the center line of 4th Street, N.E., to the point of BEGINNING.

WARD 3

Beginning at the point of intersection of the center line of 1st Street, N.W. and Main Avenue, N.W.; thence Northeast with the center line of Main Avenue, N.W., continuing with the center line of Main Avenue, N.E. to the center line of 5th Avenue, N.E.; thence Southeast with the present ward line between Ward 2 and 3 (present ward designation) to the center line of "E" Avenue, S.E.; thence Southeast with the center line of 8th Street, S.E. to the center line of 1st Avenue, S.E.; thence South to the center line of 8th Street Drive, S.E.; thence Southeast with the center line of 8th Street Drive, S.E. to the corporate limits of the City of Hickory; thence with the center line of 3rd Avenue, S.E. and 3rd Avenue Drive, S.E. to dead end; thence Southeast to the nearest point of Clark's Creek; thence with Clark's Creek to a point North of the intersection of the Startown and Brookford roads East of the corporate limits of the City of Hickory and just Northeast of Augustana Church; thence follow Brookford Road South to the Robinson Road; thence Southeast approximately 450 feet to where Brookford Road turns South; thence approximately ½ mile to the Cook Creek bridge and follow Cook Creek Southeast to Henry's Fork River; thence follows Northern bank of Henry's Fork River West to point of entry of Mill Creek; thence North with the center of Mill Creek to the center line of Highway 64-70; thence West with the center line of Highway 64-70 to the corporate limits of the City of Hickory; thence West with the corporate limits of the City of Hickory to a point, said point being located approximately 500 feet Southwest from the intersection of the center lines of 4th Street, S.W. and U.S. Highway 64 and 70; and runs thence Northeast to the intersections of 4th Street, S.W. and Highway 64 and 70; thence Northwest with the center line of 4th Street, S.W. to the center line of 8th Avenue Drive, S.W.; thence Northeast with the center line of 8th Avenue Drive, S.W. to the center line of 1st Street, S.W.; thence North with the center line of 1st Street, S.W. to the center line of Main Avenue, N.W., the point of beginning.

WARD 4

Beginning at a point in the intersection of the center line of 3rd Avenue, N.W. and the center line of 2nd Street, N.W., and running South with the center line of 2nd Street, N.W. to the center line of Main Avenue, N.W.; thence East with the center line of Main Avenue, N.W. to the center line of 1st Street, S.W. extended; thence South with the center line of 1st Street Extension, S.W. and 1st Street, S.W. to the center line of 8th Avenue Drive, S.W.; thence Southwest with the center line of 8th Avenue Drive, S.W. to the center line of 4th Street, S.W.; thence Southeast to the center line of 4th Street, S.W. to the center line of U.S. Highway 64 and 70; thence in a Southwestern direction approximately 500 feet to the corporate limits of the City of Hickory; thence East with the corporate limits of the City of Hickory to the center line of Highway 64 and 70; thence East with the center line of to Henry's Fork River; thence West with the North bank of Henry's Fork River to a point where 13th Street, S.W. would terminate if extended due South; from this point thence due North to a point approximately 300 feet West of the termination of the corporate limits of the City of Hickory on 13th Street, S.W.; thence East to the corporate limits of the City of Hickory; thence East with the corporate limits to center line of 12th Street, S.W.; thence North with the center line of 12th Street, S.W. to the center line of 1st Avenue, S.W.; thence East with the center line of 1st Avenue, S.W. to the center line of 6th Street, S.W.; thence North with the center line of 6th Street, S.W. and the proposed 6th Street, N.W. to the center line of 3rd Avenue, N.W.; thence East with the center line of 3rd Avenue, N.W. to the center line of 2nd Street, N.W., the point of beginning.

WARD 5

Beginning at the intersection of the center line of 3rd Avenue, N.W. and the center line of 6th Street, N.W., and running thence South with the center line of 6th Street, N.W. to the center line of 1st Avenue, S.W.; thence West with the center line of 1st Avenue, S.W. to the center line of 12th Street, S.W.; thence South with the center line of 12th Street, S.W. extended in a Southerly direction to the corporate limits of the City of Hickory; thence West with the corporate limits of the City of Hickory to 13th Street, S.W.; thence due West to a point approximately 300 feet beyond the corporate limits of the City of Hickory; thence due South to Henry's Fork River; thence West along the North bank of Henry's Fork River to Burke County line; thence Northeast along the Burke County line to a point approximately 450 feet Southeast of the intersection of the center line of the Lenoir Road and the center line of U.S. Highway 321 By-Pass; thence Southeast with the center line of the Lenoir Road to the center line of 7th Avenue, N.W.; thence East with the center line of 7th Avenue, N.W. to a point, said point being located 429 feet East of the intersection of the center line of 10th Street Boulevard, N.W. and the center line of 7th Avenue, N.W.; thence Southeast to a point in the center line of 4th Avenue Drive, N.W., said point being located in front of house No. 1095 4th Avenue Drive, N.W.; thence Southeast with the center line of 4th Avenue Drive, N.W. to the center line of 7th Street, N.W. then South to the center line of 3rd Avenue, N.W.; thence East with the center line of 3rd Avenue, N.W. to the center line of 6th Street, N.W., the point of beginning.

WARD 6

Beginning at the intersection of the center line of 2nd Street, N.W. and the center line of 3rd Avenue, N.W., and running thence West with the center line of 3rd Avenue, N.W. to the center line of 7th Street, N.W.; thence North with the center line of 7th Street, N.W. to the center line of 4th Avenue Drive, N.W.; thence Northwest with the center line of 4th Avenue Drive, N.W. to a point in the center line of 4th Avenue Drive, N.W., said point being located in front of house No. 1095 4th Avenue Drive, N.W.; thence Northwest to a point in the center line of 7th Avenue, N.W., said point being located 429 feet East from the intersection of the center line of 10th Street Boulevard, N.W. and the center line of 7th Avenue, N.W.; thence West with the center line of 7th Avenue, N.W. to the center line of the Lenoir Road; thence Northwest with the center line of the Lenoir Road in a Northwestern direction to the Burke County line; thence with the Burke County line North to Catawba River; thence North and Northeast with the South bank of Catawba River to the center line of North Center Street (Highway 127); thence South with the center line of North Center Street to the corporate limits of the City of Hickory; thence West with the corporate limits of the City of Hickory to the center line of 2nd Street, N.W.; thence Southeast with the center line of 2nd Street, N.W. to the center line of 17th Avenue, N.W.; thence Southeast with 1st Street, N.W. to the center line of 16th Avenue, N.W.; thence South with the center line of 1st Street, N.W. to the center line of 15th Avenue, N.W.; thence South with the center line of 4th Street Drive, N.W. Extension and the center line of 4th Street Drive, N.W. to the center line of 9th Avenue, N.W.; thence East with the center line of 9th Avenue, N.W. to the center line of 2nd Street, N.W.; thence South with the center line of 2nd Street, N.W. to the center line of 8th Avenue, N.W.; thence East with the center line of 8th Avenue, N.W. to the center line of 1st Street, N.W.; thence South with the center line of 1st Street, N.W. to the center line of 5th Avenue, N.W.; thence West with the center line of 5th Avenue, N.W. to the center line of 2nd Street, N.W.; thence South with the center line of 2nd Street, N.W. to the center line of 3rd Avenue, N.W., the point of beginning.

Sec. 3. One (1) member shall be elected from each ward by the qualified voters of the ward, and the member must be a resident of the ward. One (1) member shall be elected at large by the qualified voters of the entire unit. The election shall be nonpartisan and no primary election shall be held. The election shall be held and conducted by the Catawba County Board of Elections and the expense of the election shall be paid by Catawba County. Registration and the election shall be held and conducted in accordance with the laws, rules and regulations applicable to elections for County offices except as otherwise provided in this act.

Sec. 4. Candidates shall file their notice of candidacy with the County Board of Elections, on forms prescribed by the Board, not later than 6:00 p.m. on the third Friday preceding the election, and pay a filing fee of five dollars ($5.00). If more than two (2) candidates file from a ward, or as an at-large candidate, the person receiving a plurality of the votes cast shall be declared elected.

Sec. 5. In case of a tie vote between two or more candidates in the election, the tied candidates shall be entered in a run-off election. If a run-off election is required, the Board of Elections shall hold it three(3) weeks after the first election, and the candidate receiving the highest number of votes shall be elected. Should there be a tie vote in the run-off election, the County Board of Elections shall determine by lot which shall be elected.

Sec. 6. Successors for the members from Ward 4 and Ward 6 and the member-at-large shall be elected at an election to be held on Tuesday after the first Monday in November, 1971, said election to be held as provided in this act. The persons elected at said election, shall take office on the first Monday in December following their election, and shall serve for terms of four (4) years, and until their successors are elected and qualified.

Sec. 7. Beginning in 1973, except as otherwise specifically provided herein elections under this act shall be held on the same date as regular municipal elections in the City of Hickory for the purpose of electing members to the Board of Education to take the place of the members whose terms next expire. The members elected shall take office on the first Monday in December following their election and shall serve for terms of four (4) years, and until their successors are elected and qualified.

Sec. 8. No later than 30 days after the effective date of this act the registration books of the Hickory Administrative School Unit shall be delivered to the Catawba County Board of Elections, which shall, forthwith, assume the responsibility for administration of the registration and election process for the Hickory Administrative School Unit. The County Board of Elections shall have authority to compare the registration books of the Hickory Administrative School Unit with the county registration books. Any person found to be registered for the Hickory Administrative School Unit, but not registered on the county registration records, shall be required to register with the County Board of Elections in order to maintain his Hickory Administrative School Unit registration. The County Board of Elections shall notify any such person by mail to the address appearing on the Hickory Administrative School Unit registration records that he must reregister.

Those persons registered on the county registration records who reside within the boundaries of the Hickory Administrative School Unit shall be deemed registered for elections of the Hickory Administrative School Unit for the wards within which such persons reside and for the member-at-large.

Sec. 9. The Chairman of the Board of Education of the Hickory Administrative School Unit shall be elected by the members of said Board of Education at a special meeting to be held on the first Monday in December, 1971, and each two years thereafter immediately following the qualifying of newly elected members, and the Superintendent of the Hickory City Schools shall ex officio be the secretary of said Board of Education.

Sec. 10. All vacancies in the membership of the Board of Education shall by filled by appointment by the remaining members of the Board. If a vacancy occurs during the first two years of a term, such appointment shall be only until the next regular election for seats on the Board, at which time such vacancy shall be filled by election for the remaining two years of the term. If a vacancy occurs during the last two years of a term, such appointment shall be for the remainder of the term.

Sec. 11. The Board of Education in consultation with the County Board of Elections is hereby authorized to change by resolution duly adopted the boundaries of the wards herein established, but no change shall be made within three (3) months prior to an election for members to said Board. The resolution shall be delivered to the County Board of Elections, and shall be published by the Board of Elections once a week for two weeks in a newspaper having general circulation in the school unit. If the voting place of any voter is altered by the change in ward boundaries, the Board of Elections shall give public notice thereof as provided above.

Sec. 12. The Board of Education shall have the powers and duties conferred upon city boards of education as set forth in Chapter 115 of the General Statutes.

Sec. 13. Chapter 72 Session Laws 1943; Chapter 99 Sessions Laws 1959; and all local, special and general laws and clauses of laws in conflict with this act are hereby repealed to the extent of such conflict.

Sec. 14. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of July, 1971.

HIGH POINT

1897.—CHAPTER 392.

An act for the establishment of Graded Schools in the city of High Point.

The General Assembly of North Carolina do enact:

Question of establishing graded schools and issuing bonds to be submitted to voters.

SECTION 1. That the board of alderman of the city of High Point, Guilford county, shall, on the first Monday of the month of May next ensuing, submit to the qualified voters of said town the question of establishing graded schools for both races in said town, and the question of issuing bonds for a sum not exceeding ten ($10,000.00) thousand dollars for the purpose of buying a lot or lots and erecting thereon suitable school buildings.

Notice of election.

The said board of alderman shall give thirty days notice of said election in the High Point Enterprise, a weekly newspaper published in said town, and post the same at four or more public places in said town.

How and when election held.

SEC. 2. That the said election shall be held under the same rules and regulations as govern the election for mayor and alderman, under the charter of said town, on said first Monday of May next, and the qualified voters of said town shall vote at said election tickets on which shall be written or printed the words "for schools and bonds" or "against schools and bonds,"

Ballotts.

How result ascertained and declared.

and the result of said election shall be ascertained and declared under the same rules and regulations as govern and determines the result of the election of mayor and alderman.

High Point graded school district.

SEC. That for the purposes and benefits of this act the city of High Point shall be a public school district for both white and colored, and is hereby named and designated as "The High Point Graded School District."

Special tax if election result in favor schools and bonds.

Rate.

To be collected as other taxes.

SEC. 4. That if a majority of the qualified voters of said town shall vote at said election in favor of schools and bonds, it shall be the duty of "the board of school commissioners of the city of High Point," provided for by this act, and their successors, to levy annually a special tax not exceeding thirty-three and one-third cents on the one hundred dollars valuation of all the taxable property of said town, and upon the poll not exceeding one dollar, and said tax shall be collected annually by the tax collector as other taxes are collected.

One graded school for each race to be established.

Apportionment of funds.

SEC. 5. That it shall be the duty of said board of school commissioners of the said town to establish a graded school for white children and one for the colored children of said town, and apportion the funds derived from said special taxes or from any other source whatever, between said graded schools for white and colored children, so as to equalize school facilities between the two races.

Bonds to be issued.

Amount and denomination.

When bonds to become due.

Proviso. Bonds may be classified.

Bonds and Coupons numbered.

Bonds to be signed by mayor and countersigned by trasurer.

Coupons signed by mayor. Record of bonds.

SEC. 6. That it shall be the duty of the board of alderman of said town, and the said board of alderman is hereby authorized and fully empowered to issue coupon books of the city of High Point, not to exceed in amount the sum of ten ($10,000.00) thousand dollars, and in denominations of not less than fifty ($50.00) dollars, nor more than five ($500.00) hundred dollars, bearing interest from date of bonds at a rate not to exceed the rate of interest allowed by the general laws, and payable semi-annually on the first day of January and the first day of July of each year until the said bonds are paid; that the said bonds shall be made payable at a time to be fixed by the said board of alderman and named therein, not to be less than ten nor more than thirty years from date thereof: *Provided, however*, that the said board of alderman of the city of High Point may divide said bonds into classes as they may determine, and have them mature at different convenient dates between the limits aforesaid. It is further enacted that said bonds and their coupons shall be numbered and the bonds shall be signed by the mayor of the city of High Point and countersigned by the treasurer of said town and have the corporate seal of said town affixed thereto, and the coupons thereto attached shall be signed by the mayor of said town, and that a full record of said bonds shall be kept by the secretary of said board of alderman.

Bonds not to be sold below par.

Bonds deposited with treasurer and not delivered to purchaser until paid for.

Proceeds of bonds kept separate.

How expended.

SEC. 7. That said bonds shall not be sold for less than their face value; that when issued said bonds shall be deposited with the treasurer of said town and shall not be delivered to any purchaser until the purchase money is paid in full and that the said treasurer and the sureties on his official bond shall be liable to account for and pay over the same as provided in this act. It is further enacted that the said treasurer shall keep separate from all other public moneys coming into his hands the moneys arising from the sale of said bonds, and the moneys thus arising from the sale of said bonds shall be expended and exclusively applid by "the board of school commissioners of the city of High Point" to the purchase of a suitable lot or lots and the erection thereon of suitable school buildings and the furnishing and equipping of the same for school purposes.

Secial taxes to be paid over to treasurer.

Amended, P.L. 1901, ch. 279, § 1

Special tax to be kept separate.

How paid out.

SEC. 8. That the special taxes mentioned in article 4 of this act shall be paid over by the tax collector, after deducting such commissions as the board of school commissioners of said town shall allow him, to the treasurer [of said town], and the said treasurer shall keep the moneys thus arising from special taxes [separate and apart from other public moneys] which may come into his hands and shall pay out the same for the exclusive use and benefit of said graded school only upon the warrant or order signed by the chairman of said the board of school commissioners [and the mayor of said town] and the taeasurer shall pay out the money arising from the sale of said bonds only upon a warrant or order duly signed by the chairman of said board of school commissioners and the mayor of the town.

Money apportioned to puclic schools appropriated to graded schools.

Amended, P.L. 1901, ch. 279, § 2

Property of public schools to be property of graded schools.

Public school property may be sold add proceeds applied to graded schools.

SEC. 9. That all public school funds derived from the state and county for the use and benefits of the public school districts of said town shall be paid to the treasurer [of said town] by the treasurer of Guilford county for the use and benefit of said graded schools, and the property both real and personal of said public districts shall become the property of said graded schools and shall be vested in the said board of school commissioners of the city of High Point in trust for said graded schools, and the said board of school commissioners for said town be and they are hereby authorized and empowered to sell the same either publicly or privately and apply the proceeds to said graded schools.

Board of school commissioners created.

Members of board classified.

Term of office of first class.

Term of office of second class.

Term of office of third class.

Commissioners of first class.

Commissioners of second class.

Commissioners of third class.

Successors to board to be elected by aldermen.

Superseded, S.L. 1961, ch. 670

[SEC. 10. That for the purpose of this act there is created a board of school commissioners of the city of High Point, and this board shall consist of twelve members to be divided into three classes. The term of office of the first-class shall expire at the end of one year; the term of office of the second class shall expire at the end of two years, and the term of office of the third-class shall expire at the end of three years, each class to date from the first Monday of May, eighteen hundred and ninety-seven. It is further enacted that J. C. Welch, F. N. Tate, W. H. Snow and D. C. Aldridge, be and they are hereby named and appointed in the first-class for the first year, beginning the first Monday of May, 1897; that W. H. Ragan, J. E. Cox, J. A. Lindsay and D. A. Stanton, be and they are hereby named and appointed in the second class for the year beginning with the first Monday of May, 1897, and that W. P. Pickett, W. G. Bradshaw, E. A. Snow and William Tate be and they are hereby named and appointed in the third-class for three years beginning the first Monday of May, 1897; and it is further enacted that upon the expiration of the terms above named and fixed the board of alderman of the said town shall elect annually thereafter successors in each class for one, two and three years respectively.]

Powers and duties of board of school commissioners.

SEC. 11. That the board of school commissioners of the city of High Point shall have entire and exclusive control of the said graded school, shall employ and fix compensation of officers and teachers, shall make an accurate census of the school population of the said town as required by the general school law, and do all other acts that may be necessary, just and lawful for the successful management of said graded schools, and the board of school commissioners of the city of High Point shall be a body corporate under the name of the board of school commissioners of the city of High Point, with power to sue, to be sued, to plead and be impleaded, and by that name shall be capable of receiving gifts, grants, of making purchases, of buying, holding and selling property, both real and personal, of mortgaging, transferring and conveying property, both real and personal, for school purposes, of prosecuting and defending suits for and against the corporation hereby created; conveyances, mortgages and all other instruments to the said board shall be made to them and their successors in office, and all deeds, mortgages and other agreements affecting real estate and personal property shall be deemed sufficiently executed when signed by the chairman of the said board of school commissioners and the mayor of said town.

Board incorporated.

Corporate name. Corporate powers.

Reports of board.

SEC. 12. That it shall be the duty of the said board of school commissioners to make annually on or before Tuesday after first Monday in May of each year, a full and complete report of their operations to the mayor of said town.

Amended, P.L. 1901, ch. 279, § 3

Bonds of town treasurer and tax collector.

SEC. 13 That the treasurer [of the town] and the tax collector shall, before entering upon the duties prescribed in this act, enter into bonds with good and sufficient security in such sums as may be fixed and approved by the board of school commissioners and the mayor of the town.

SEC. 14. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

SEC. 15. That this act shall be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1897.

1901—CHAPTER 279

An act to amend Chapter 392, Public Laws of 1897, relating to the establishment of graded schools in the city of High Point.

The General Assembly of North Carolina do enact:

Section 8, Chapter 392, Public Laws 1897, amended.

SECTION 1. That chapter 392, section 8, of the Public Laws of 1897, be and the same is hereby amended by striking out the words "of said town," in line 4, and inserting after the words "Treasurer," in line 4, the words "of the Board of School Commissioners who shall be one of their number." That said section shall be further amended by the striking out the words "separate and apart from other public moneys," in lines 5 and 6 of said section. That the said section shall be further amended by striking out the words "and the Mayor of said town," in lines 9 and 10 of said section.

Section 9, said chapter, amended.

SEC. 2. That section 9 of said chapter 392, of the Public Acts of 1897, be and the same is hereby amended by striking out the words "of said town," after the word "Treasurer," in line 3 of said section, and inserting in their stead the words "of the Board of School Commissioners."

SEC. 3. That section 13 of said chapter 392, Public Acts of 1897, be and the same is hereby amended by striking out the words "of the town," in line 1 of said section and inserting in their stead the words "of the Board of School Commissioners."

Section 13, amended.

SEC. 4. That the Treasurer of said town shall turn over to said treasurer of the Board of School Commissioners all funds arising from special taxes mentioned in Article 4 of this act which he may have in his hands, together with all records, books, vouchers or memoranda connected with said funds.

Town Treasurer to turn over to School Commissioners special tax funds, etc.

SEC. 5. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1901.

1937—CHAPTER 193

AN ACT TO PERMIT THE GOVERNING AGENCY OF THE HIGH POINT CITY SCHOOL ADMINISTRATIVE UNIT TO APPOINT A PERSON TO PERFORM THE DUTIES OF SCHOOL SUPERINTENDENT IN THE EVENT OF THE DEATH OR RESIGNATION OF SUCH SUPERINTENDENT.

The General Assembly of North Carolina do enact:

SECTION 1. That the governing agency, or School Board, of the High Point City School Administrative Unit is hereby authorized and empowered to appoint temporarily by and with the consent and approval of the Superintendent of Public Instruction, a person to perform the duties of school superintendent of said unit in the event of the death or resignation of such superintendent, which person need not have the qualifications required by law of school superintendents. Such person so temporarily appointed to such office shall perform said duties only during such time as the Superintendent of Public Instruction may approve.

Appointment of temporary School Superintendent, High Point, authorized in case of vacancy.

Tenure of office.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of March, A. D. 1937.

1961— CHAPTER 670

AN ACT TO PROVIDE FOR APPOINTMENT OF MEMBERS OF THE HIGH POINT CITY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. From and after June 6, 1961, the High Point City Board of Education shall be composed of seven members, appointed by the City Council of the City of High Point, one from each ward and three at large with a limit of [three] to any one ward. The City Council at its first meeting in June 1961, shall appoint three members, one to serve for five years, one to serve for six years and one to serve for seven years. The regular

Amended,
S.L. 1971,
ch. 422

Amended, S.L. 1971, ch.422

terms of members of the board shall be [seven] years and the regular appointments of members for terms which have expired shall be made at the first meeting of the City Council in June of each year, provided that all vacancies caused by reasons other than expired terms shall be filled by appointment as soon as practicable for such unexpired terms only. All members now or henceforth serving on the board shall continue on said board until their successors are appointed and qualified. [ ]

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of June, 1961.

1971 · CHAPTER 422

AN ACT TO AMEND CHAPTER 670 OF THE SESSION LAWS OF 1961 RELATING TO THE APPOINTMENT AND TERMS OF MEMBERS OF THE HIGH POINT CITY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 670 of the Session Laws of 1961 is hereby amended by deleting the word "three" immediately following the word "of" in line 4, and substituting in lieu thereof the word "two"; and by deleting the word "seven" immediately following the word "be" in line 7, and substituting in lieu thereof the word "four".

Section 1 is further amended by adding a sentence at the end of said section to read as follows: "No person shall be appointed to serve more than two consecutive terms as a member of the board, and no person who has served two consecutive terms as a member of the board shall be eligible for subsequent appointment to the board within one year after the expiration of the second consecutive term."

Sec. 2. This act shall not affect the length of terms of those members serving on the board upon ratification.

Sec. 3. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 4. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 21st day of May, 1971.

KANNAPOLIS

1935—CHAPTER 101

AN ACT TO CREATE AND ESTABLISH THE KANNAPOLIS ADMINISTRATIVE UNIT AND PROVIDING FOR THE ADMINISTRATION AND CONTROL THEREOF.

The General Assembly of North Carolina do enact:

Kannapolis Administrative School Unit created.

SECTION 1. *Kannapolis Administrative Unit Created.* The Kannapolis School District, being District number three of Cabarrus County, as said District has been defined and established, by the Boards of Education of Cabarrus and Rowan Counties, and approved by the State School Commission, is hereby declared to be an administrative unit within the contemplation of the Acts of the General Assembly of North Carolina, and the control and operation of the public schools within said District shall be vested in a Board of Trustees as provided for city administrative units.

Board of Trustees.

Boundaries may be changed.

SEC. 1A. *Change of Boundaries.* The boundaries of said administrative unit within either county may be changed from time to time by the recommendation of the Board of Education of the county affected and the approval of the State School Commission, and without the approval of the trustees of said administrative unit, or the consent of the Board of Education of the county not affected.

Membership of Board.

Appointment.

Terms of office.

SEC. 2. *Members of Board; appointment, qualifications.* The Board of Trustees of Kannapolis Administrative Unit shall be composed of five members, who shall be appointed as hereinafter set out in this section. One member of said Board shall be appointed by the Board of Education of Rowan County on the first Monday in April, nineteen hundred and thirty-five, for a term of three years; and four members of said Board shall be appointed

Qualifications.

by the Board of Education of Cabarrus County on the first Monday in April, nineteen hundred and thirty-five, two for a term of one year, one for a term of two years, and one for a term of three years. And upon the expiration of said terms all appointments shall be for terms of three years from the first Monday in April of the year in which said terms expire. Said trustees shall have the qualifications prescribed by law for members of the Board of Education of the county by which appointed, and there shall be no qualifications as to residence except that the trustees appointed by the Board of Education of Cabarrus County shall reside within that portion of said administrative unit situated in Cabarrus County, and the trustee appointed by the Board of Education of Rowan County shall reside within that portion of said administrative unit situated in Rowan County.

Powers and duties.

SEC. 3. *Powers, duties, etc.* Said Board of Trustees of Kannapolis Administrative Unit is hereby vested with all the authority, rights, powers and duties which are now or may hereafter be granted to city administrative units under the general school laws of North Carolina, except as hereinafter restricted in Section four of this Act.

No taxes levied; no trustees elected.

SEC. 4. *Restrictions* Said Kannapolis Administrative Unit shall levy no taxes of any description; and shall not elect trustees.

Title to school property.

SEC. 5. *Title to School Property.* The title to all school property in said Kannapolis Administrative Unit situated within Cabarrus County shall remain vested in the Board of Education of Cabarrus County, and all school property within Rowan County shall remain vested in the Board of Education of Rowan County.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of March, A.D. 1935.

KINGS MOUNTAIN

1905—CHAPTER 381.

AN ACT TO ESTABLISH A GRADED SCHOOL IN THE TOWN OF KINGS MOUNTAIN.

The General Assembly of North Carolina do enact:

Town made school district.

SECTION 1. That all the territory embraced in the incorporate limits of the town of Kings Mountain shall be and is hereby constituted the "Kings Mountain Graded School District" for white and colored children.

Tax to be submitted to vote.

SEC. 2. That the Board of Commissioners of the Town of Kings Mountain are hereby required to submit to the qualified voters of said town at the next election for municipal officers for said town to be held in May, one thousand nine hundred and five, the question whether the annual tax shall be levied for the support of graded schools in said town.

Form of ballots.

SEC. 3. That at the time of the election, held under the provisions of this act, those favoring the levying of such tax shall vote a written or printed ballot, without device, with the words "For Schools" upon it, and those opposed to the levying of such tax shall vote on a written or printed ballot, without device; with the words "Against Schools" upon it.

Tax rate if levied.

SEC. 4. That if a majority of the votes cast at said election shall be in favor of such tax, it shall be the duty of the board of aldermen, or commissioners, of said town, and their successors, to levy annually a special tax of sixteen and two-thirds cents on the one hundred dollars valuation of all taxable property of said town, and upon the poll fifty cents; and said taxes shall be due and collected annually at the same time and in like manner as other town taxes are due and collected.

Treasurer to give bond.

School fund kept separate.

SEC. 5. That the taxes shall be paid over by the tax collector of said town to the treasurer of said town, which officers shall give bonds, the former for collection and the latter for the safe-keeping and proper disbursement of said special tax and other funds that may come into his hands for the use of the said graded schools; and said treasurer shall keep said school fund separate and apart from all other moneys, and shall pay out the same only upon a warrant signed by the chairman and secretary of the board of trustees of the graded schools of said town.

Election of school trustees.

Superseded, Pr.L. 1931, ch. 14

Power of trustees.

Vacancies.

Term of office.

[SEC. 6. That the board of aldermen or board of commissioners of said town, in case this special tax shall be voted in the election, shall meet and elect a board of trustees of the Kings Mountain Graded Schools, said board to be composed of three members, and said board shall be constituted a board of trustees for the management and conduct of said graded schools; that said board shall have power to employ teachers and do all such acts as may be necessary to carry on the said graded schools. The board of aldermen, or commissioners, of said town of Kings Mountain shall have the power and authority to fill all vacancies occurring in the said board of trustees of said graded schools and to appoint and elect successors upon expiration of the term, and the terms of office of the said members of the board of trustees first elected shall be respectively one, two and three years, and the first-named trustee shall serve for one year, the second named for two years and the third named for three years, in the order of their election by the board of aldermen or commissioners of the said town of Kings Mountain; and the term of office of the members of said board of trustees elected as successors to members whose terms have expired shall be three years.]

School property vested in trustees.

Proviso: reversion.

SEC. 7. That the property, both real and personal, of the public schools of said town shall become the property of the said graded schools, and shall be vested in the said board of trustees and their successors in trust for said graded schools: *Provided*, that in the event of the discontinuance of said graded schools, all the property thereto belonging shall revert and become the property of the said town or public schools of said town.

Proviso: non-resident pupils.

SEC. 8. *Provided*, that the trustees of the said graded school of Kings Mountain shall have the right to admit students from outside of the incorporate limits of Kings Mountain and make a reasonable charge for tuition for the same.

Conflicting laws repealed.

SEC. 9. That all laws and clauses of laws in conflict with this act are hereby repealed in so far as they conflict, and no further.

SEC. 10. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

1931—CHAPTER 14

AN ACT TO AMEND SECTION TEN, CHAPTER TWO HUNDRED TWENTY-FIVE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED THIRTEEN, RELATING TO THE KINGS MOUNTAIN GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact.

SECTION 1. That section ten, chapter two hundred and twenty-five of the Private Laws of North Carolina, one thousand nine hundred and thirteen, be repealed and the following enacted instead:

Ch. 225, Private Laws 1913, amended.

"SEC. 10. That the Board of Trustees of the Kings Mountain Graded School District shall be composed of five members and that the three members composing the Board at the present time shall serve until the expiration of their term of office, which will be in May, one thousand nine hundred and thirty-one, in May, one thousand nine hundred and thirty-three and in May, one thousand nine hundred and thirty-five, only one going out in each of said years; that the present Board of Trustees shall appoint two additional members to serve on the Board until the regular municipal election in the town of Kings Mountain in May, one thousand nine hundred and thirty-one, when there shall be elected three members, one of whom shall serve for a term of two years, one for a term of four years and one for a term of six years and at said election each member voted for shall be elected for a term that shall be designated on the ballot cast for him, whether for the two, four or six-year term and that at each biennial municipal election thereafter two members shall be elected for a six-year term except every sixth year when only one member shall be elected for a six-year term. Any vacancies in such Board of Trustees shall be filled by appointment by the remaining members of such Board until the next regular municipal election when a member shall be elected to fill the unexpired term. And the Board of Trustees so elected shall have the powers and be charged with the duties now provided for by the law relating to the Kings Mountain Graded School District. The said Board of Trustees shall appoint a Treasurer to handle all moneys belonging to the Kings Mountain Graded School District and it shall be the duty of the Treasurer for the town of Kings Mountain to turn over to said Treasurer at the end of each month all money in the hands of said Town Treasurer belonging to said School District; that the Treasurer for said School Board shall be required to give a bond in some surety company approved by said Board of Trustees in a sum not less than five thousand dollars for the protection of said School District."

Trustees of Kings Mountain Graded School District increased to five.

Appointment of additional Trustees to serve till next election.

Terms of office.

Vacancy appointments.

Powers and duties.

Appointment of Treasurer.

Duties of Treasurer.

Bond of $5,000.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of February, A. D. 1931.

1955—CHAPTER 960

AN ACT TO AMEND THE CHARTER OF THE CITY OF KINGS MOUNTAIN APPLYING ONLY TO THE SCHOOL BOARD.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 58 of the Public-Local Laws of 1939 is rewritten to read as follows:

Superseded
(in part)
S.L.1961,
ch. 63

"Sec. 4. The ward system so far as it affects the School Board of the City of Kings Mountain is hereby abolished, and beginning at the municipal election in 1957, and biennially thereafter, the Trustees of the Kings Mountain Graded School District shall be elected at large by the voters residing in said Graded School District; and that any citizen eligible to vote in said district shall have the right to be a candidate for trustee on said school board; that the term of said trustees shall remain six years and the board shall be composed of five members; and that the staggered system shall remain in force and effect as at the present time. In other words, at the municipal election of 1957, and biennially thereafter, only the member or members of the school board whose term expires at that time shall be filled. In the case of a vacancy occurring in the board of trustees the unexpired term shall be filled by the board; and the board of trustees so elected shall have the powers and be charged with the duties now provided for by the law relating to the Kings Mountain Graded School District."

Sec. 2. The Trustees for the Kings Mountain Graded School District shall be elected at the same time the Mayor and Board of Commissioners are elected for the City of Kings Mountain and under the same rules, regulations, and laws now governing the election of city officials as provided by the city charter and under the General Statutes; that all voters shall register and vote in their respective wards at the polling places as provided by the City of Kings Mountain; and that all elections for school trustees shall be under the supervision of the City of Kings Mountain. In the event no candidate has the majority in said election the same rules, regulations, and laws as to the runoff shall apply to the school board trustees which is now applicable to the mayor and city board as provided by Chapter 836 of the Laws of 1951.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1955.

1961—CHAPTER 63

AN ACT TO AMEND CHAPTER 960 OF THE 1955 SESSION LAWS APPLYING TO THE KINGS MOUNTAIN SCHOOL BOARD.

The General Assembly of North Carolina do enact:

Section 1. Chapter 960 of the Session Laws of 1955 applying to the Kings Mountain School Board shall remain in force and effect since the school district has been enlarged by consolidation except as herein amended.

Sec. 2. At the municipal election in 1961 there shall be elected from the territory outside the corporate, limits of the City of Kings Mountain, which formerly belonged to the Kings Mountain School District, together with all of the territory annexed to the Kings Mountain School District by consolidation, two members to the Kings Mountain School Board, one for six (6) years and one for four (4) years, the candidate receiving the highest vote shall be for six (6) years and the candidate receiving the next highest vote for four (4) years.

Sec. 3. The School Board shall remain five members, three to reside in the City of Kings Mountain and two from the territory outside the corporate limits.

Sec. 4. The City of Kings Mountain shall establish a voting place in the Bethware School District, in Parkgrace School District and in the Grover School District with the same boundaries used for the consolidation election for all voters outside of the corporate limits of Kings Mountain; that all of the voters residing in that part of the territory outside of the corporate limits of Kings Mountain which formerly belonged to the Kings Mountain School District shall vote in the Bethware District; that the City Board of Kings Mountain shall provide for a new registration for all voters outside the corporate limits for the election of the members of the School Board for the 1961 election and that said board shall supervise said election as same as heretofore.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1961.

KINSTON

1899—CHAPTER 96.

An act to create graded schools in the town of Kinston. North Carolina.

The General Assembly of North Carolina do enact:

Question of graded schools submitted to a vote of the people.

SECTION 1. That the board of aldermen of the town of Kinston, Lenoir county, shall on the first Monday in May next ensuing submit to the qualified voters of said town the question of "establishing of graded schools" for both races in said town. The said board of aldermen shall give thirty days' notice of said election in the "Kinston Free Press," a daily newspaper published in said town and post the same at four public places or more in said town.

Notice of election.

Rules, etc., for election.

SEC. 2. That the said election shall be held under the same rules and regulations as govern the election of mayor under the charter of said town on said first Monday in May next, and the qualified voters of said town shall vote at said election tickets on which shall be written or printed the words "For schools" or "Against schools." and the result of said election shall be determined under the same rules and regulations as govern and determine the result of the election of mayor, and the said result shall be certified in writing by the election officers to the mayor of said town, and by the mayor filed with the records of said town.

Tickets, what to contain. Result determined.

Kinston made a graded school district.

SEC. 3. That for the purpose and benefits of this act the city of Kinston shall be a graded school district for both white and colored children and is hereby named and designated as the "Kinston graded school district."

Special tax to be levied annually.

SEC. 4. That if a majority of the qualified voters of said town shall vote at said election "For schools," it shall be the duty of said board of trustees of Kinston graded schools, provided for by

Levy certified and entered upon tax list.

this act, and their successors, to levy annually a special tax, not exceeding thirty three and one third cents on the one hundred dollar valuation of all the taxable property of said town, and upon the poll not exceeding one dollar, and the levy so made shall be certified by the chairman of the board of trustees to the board of aldermen of the town of Kinston, whose duty it shall be to enter the same upon the tax lists of said town for collection as is provided by law for the collection of other taxes.

Schools for both races.

Apportionment of funds.

SEC. 5. That it shall be the duty of said board of trustees to establish a graded school for the white children and a graded school for the colored children of said town, and apportion the funds derived from said special taxes or from any other source whatsoever between said graded schools for white and colored children, so as to equalize school facilities between the two races as to be just and equitable to both.

Special taxes paid over—commissions, etc.

Treasurer to keep fund separate from other funds.

Paid out, on whose warrant.

SEC. 6. That the special taxes mentioned in section four of this act shall be paid over by the tax collector, after deducting such commission as said board of trustees shall allow, to the treasurer of said town, and said tax collector and treasurer shall be allowed such commission as the board of school trustees shall deem proper. The said treasurer shall keep the moneys thus arising from special taxes separate and apart from other public moneys which may come into his hands, and shall pay out the same for the exclusive use and benefit of said graded school only upon the warrants and orders signed by the chairman of the said board of trustees.

Treasurer of county to pay over school money.

Property to be conveyed.

Title, in whom vested.

Authority to sell property and apply proceeds, etc.

SEC. 7. That all public school funds derived from the state and county for the use and benefit of the public school district of said town shall be paid to the treasurer of said town by the treasurer of of Lenoir county for the use and benefit of said graded schools, and the present school committee of district number one shall convey the property both real and personal of said public school districts, and it shall become the property of said graded schools and the title of the same shall be vested in the said board of trustees of the "Kinston graded schools" in trust for said graded school, and the said board of trustees be and they are hereby authorized and empowered to sell the same either publicly or privately and apply the proceeds to said graded schools, and are authorized to purchase necessary lands and to erect suitable buildings for said graded schools and properly equip the same. And it shall be the duty of the public school board of Lenoir county to unite the territory of district number one not covered by this to the contiguous school districts.

Board of trustees created.

Two classes—terms of office.

Superseded,
P.L. 1903,
ch. 756

Trustees named.

[SEC. 8. That for the purpose of this act there is created a board of trustees of the Kinston graded schools, and this board shall consist of seven members, to be divided into two classes, the term of office for the first class shall expire in two years, the term of office for the second class shall expire in four years. It is further enacted that J. W. Grainger, L. Harvey, N. J. Rouse and J. B. Temple be and are hereby named trustees of the first class named above, and J. A. Pridgen, H. E. Shaw and S. H. Abbott be and are hereby named as the trustees of the second class. It is further enacted that upon the expiration of the terms above named and fixed the board of aldermen of the said town shall elect biennially thereafter their successors.]

Duties, etc., of trustees.

Census.

General powers.

Body corporate, etc.

Acquisition and conveyance of property, etc.

Conveyances to trustees and their successors.

Superintendent, how and by whom elected.

Compensation, etc.

SEC. 9. That the said "Board of Trustees of Kinston Graded Schools" shall have entire and exclusive control of the said graded schools, shall employ and fix compensation of officers and teachers, shall make an accurate census of the said school population of the said town as required by the general school law, and do all other acts that may be necessary, just and lawful for the successful management of said graded schools. It is further enacted that the said board of trustees hereby created shall be a body politic and corporate by the name and style of "The Board of Trustees of Kinston Graded Schools," and by that name shall be capable of receiving gifts and grants, purchasing and holding real estate and personal property, selling, mortgaging and transferring the same for school purposes, and of prosecuting and defending suits for or against the corporation hereby created. Conveyances to said trustees shall be to them and their successors in office, and all deeds, mortgages and other agreements affecting real estate and personal property shall be deemed sufficiently executed when signed by the chairman of the said board of trustees, and attested by the secretary of the said board. It is further enacted that the said board of trustees shall, upon their induction into office, elect a superintendent of the said graded schools, and select all teachers that may be necessary for said schools and prescribe the compensation of the superintendent and teachers and other employees of said schools, and pass all necessary rules and regulations for the conduct and management of said schools under the provision of this act.

Official bonds.

SEC. 10. That the treasurer of the said town of Kinston and the tax collector shall, before entering upon the duties prescribed in this act, enter into bonds with good and sufficient securities in such sums as may be fixed and approved by the said board of trustees.

Children without territory may be permitted to attend school.

SEC. 11. That the said board of trustees are authorized to permit attendance upon said schools of children residing without the territory embraced in said graded school district upon such terms as the said board of trustees may prescribe.

Conflicting laws repealed.

SEC. 12. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

SEC. 13. That this act shall be in full force from and after its ratification.

Ratified the 15th day of February, A. D. 1899.

1903—CHAPTER 765

AN ACT TO PROVIDE FOR THE ELECTION OF TRUSTEES OF KINSTON GRADED SCHOOLS, AND FOR THE APPROPRIATION OF FINES, PENALTIES AND FORFEITURES IN SAID TOWN.

The General Assembly of North Carolina do enact:

Trustees, when and by whom elected.

SECTION 1. That the Board of Aldermen of the town of Kinston, in the county of Lenoir, shall, at the first regular meeting of said Board of Aldermen in April, nineteen hundred and three, elect seven

Term of office.

members of the Board of Trustees of Kinston Graded Schools, who shall be residents of the town of Kinston, and whose term of office shall begin on the first Monday in May, nineteen hundred and three, and continue until their successors shall be elected and qualified.

Trustees divided into two classes.

When term of each class to expire.

SEC. 2. That the trustees so elected as provided in the preceding section shall be divided by said Board of Aldermen into two classes, the first class to consist of three members, whose term of office shall expire on the first Monday in May, nineteen hundred and five, the second class to consist of four members, whose term of office shall expire on the first Monday in May, nineteen hundred and seven.

Election of successors.

Terms of office.

SEC. 3. That at the first regular meeting of the Board of Aldermen of said town in April, nineteen hundred and five, and biennially thereafter, the said Board of Aldermen shall elect the successors to the members of said board of trustees whose term will expire on the first Monday in May then next succeeding, and the term of office of the trustees so elected shall begin on the first Monday in May next following their election and shall continue four years, or until their successors are elected and qualified.

Trustee's oath of office.

SEC. 4. That before entering upon the duties of his office each member of the Board of Trustees of Kinston Graded Schools shall take an oath before the Mayor of said town or some judicial officer, to faithfully perform the duties of Trustees of Kinston Graded Schools to the best of his knowledge and ability.

Vacancy, how filled.

SEC. 5. That any vacancy occurring on the said board of trustees by death, resignation or otherwise, shall be filled for the remainder of the term by the said board of trustees.

Authorized to sell and convey certain graded school property in Kinston.

Proceeds, how disposed of.

SEC. 6. That the Board of Trustees of Kinston Graded Schools be and are hereby authorized and fully empowered to sell and convey in fee-simple to the purchaser or purchasers the lands and premises on Lenoir street, in said town of Kinston, adjoining the lands of J. W. Grainger and others, now occupied and used by the graded schools of said town for white children; and also to sell and convey in fee-simple to the purchasers the lands and premises now occupied by the public graded schools for colored children, situate corner of McLeweane and Shine streets, in said town of Kinston; and that the purchase money and proceeds of the lands and premises referred to in this section be paid to the Treasurer of said town, to be expended and disbursed under the direction of the Board of Trustees of Kinston Graded Schools for maintaining the public graded schools of said town, or for the erection or equipment of the public graded school building now in process of erection under the direction of said board of trustees on Peyton avenue, in said town of Kinston.

Conflicting laws repealed.

SEC. 7. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 8. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

1967 CHAPTER 499

AN ACT TO EXPAND THE BOUNDARY LINES OF THE KINSTON CITY ADMINISTRATIVE UNIT.

The General Assembly of North Carolina do enact:

Section 1. The boundary lines of the Kinston City Administrative School Unit are hereby extended so as to embrace all territory annexed, and to be annexed, by the City of Kinston outside of and beyond the present Kinston City Administrative School Unit.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective immediately upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

LENOIR

1903—Chapter 132.

AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN OF LENOIR

The General Assembly of North Carolina do enact:

Lenoir graded school district established. Boundary.

Section 1. That all the territory in Caldwell County within the following boundaries, to-wit: The present boundaries of the town of Lenoir and one-half mile additional in every direction and parallel thereto shall be and is hereby constituted a public school district for white and colored children, to be known as "The Lenoir Graded School District."

School trustees to issue bonds.

Sec. 2. That for all the purposes and benefits of this act the provisions of all laws governing the assessment of real and personal property, the levy and collection of municipal taxes and the holding of municipal elections in the town of Lenoir shall be and are hereby extended to that portion of said graded school district lying without the corporate limits of said town, as fully as if the same lay within the said corporate limits; and that in all elections which shall be held under this act that portion of said graded school district lying without said corporate limits shall be deemed a ward of said town.

Amount, denomination, interest.

Sec. 3. That the Board of Graded School Trustees, hereinafter provided for, shall be and are hereby authorized and empowered to issue bonds of said graded school district to an amount not exceeding ten thousand dollars, of such denomination and of such proportion as said board of trustees may deem advisable, bearing interest from the date thereof at a rate not exceeding six per centum per annum, with interest coupons attached, payable half yearly, at such time or times and at such place or places as may be deemed

Style of bonds.
Time to run.
Proviso.
How to be issued.

advisable by said board of trustees; said bonds to be of such form and tenor and transferable in such way, and the principal thereof payable or redeemable at such time or times, not exceeding twenty years from the date thereof, and at such place or places as said board of trustees may determine: *Provided*, that said board of trustees shall issue such bonds at such time or times and in such amount or amounts as may be required to meet the expenditure hereinafter provided for in section four of this act.

Proceeds, how expended.

SEC. 4. That the proceeds arising from the sale of said bonds, or such part thereof as may be necessary, shall be expended by said Board of Graded School Trustees in providing, by purchase or otherwise, such graded school buildings as may be required and in furnishing the same with school furniture and other necessary equipment.

To be sold at par.

SEC. 5. That none of said bonds shall be disposed of by sale, exchange, hypothecation or otherwise for less price than their par value; nor shall said bonds nor their proceeds be used for any other purpose than that declared in section four of this act.

Bonds non-taxable, when.
Coupons receivable for taxes.
No interest after maturity.

SEC. 6. That said bonds and their coupons shall not be subject to taxation by the town of Lenoir until after they shall have become due and tender of payment shall have been made; and such coupons shall be receivable in payment of all taxes and public dues of said town for any fiscal year in which said coupons shall become due or thereafter; and if any holder of said bonds or coupons shall fail to present same for payment at the time or times and at the place or places therein named he shall not be entitled to interest thereon for the time they shall have been outstanding after maturity.

Commissioners of Lenoir to levy tax, purpose of.
Subjects of taxation.
Property and poll, amount.

SEC. 7. That for the purpose of providing for the payment of said bonds and interest thereon, and of defraying the expenses of the public graded schools provided for in this act, the Board of Commissioners of the town of Lenoir shall annually, and at the time of levying the municipal taxes, commencing with the fiscal year beginning with the first day of June, nineteen hundred and three, levy and lay a particular tax on all subjects of taxation within the limits of said graded school district on which said Board of Commissioners may now or hereafter be authorized to lay and levy taxes for any purposes whatsoever; said particular tax to be such percentage on all real and personal property and all other subjects of taxation as may be recommended by the board of trustees; in no case, however, to exceed sixty-six and two-thirds cents on the one hundred dollars assessed valuation on real and personal property and not more than two dollars on each taxable poll.

Tax, how collected.
How disbursed and accounts audited.
Proviso.
Official bonds.

SEC. 8. That said taxes shall be collected by the Tax Collector of the town of Lenoir at the time and in the manner that the municipal taxes are collected; and said Tax Collector shall pay the same over to the treasurer of said board of trustees. And the treasurer shall pay out said taxes and other funds which may come into his hands for the use of said graded schools only upon the warrant of the chairman and secretary of said Board of Graded School Trustees, and all accounts shall be audited and approved by the board of trustees or a committee thereof appointed for the purpose: *Provided*, that said Tax Collector and said treasurer shall enter into bond for such amount as the board of trustees may direct; that of the former conditioned for the faithful collection and paying over of said taxes and other funds that may come into his hands for the use and benefit of said graded schools, and that of the latter for the safe-keeping and proper disbursement of the same, and said Tax Collector shall be allowed not exceeding three per centum on receipts, and the said Treasurer not exceeding two per centum on disbursements.

Tax collector's commission.

Treasurer, s commission.

SEC. 9. That the provisions of sections three and seven of this act shall be submitted to a vote of the qualified voters of said graded school district at an election to be held on a day to be designated by the Board of Commissioners of the town of Lenoir within sixty days after the ratification of this act. That said election shall be held as provided for in sections two, three, four, five and twenty-three of chapter twenty-three, Private Laws eighteen hundred and eighty-five, the same being the method provided for holding elections in the town of Lenoir. That thirty days' notice of such election, containing a copy of the provisions of sections three and seven of this act, or a synopsis of the same, shall be published in one or more newspapers published in the town of Lenoir; and in all other respects said election shall be held and conducted under the provisions of the law governing the holding of municipal elections in said town. Those qualified voters approving the issue of bonds provided for in section three and the levy and collection of the particular taxes provided for in section seven of this act shall deposit a ballot containing the written or printed words "For Schools," and those disapproving the same shall deposit a ballot containing the written or printed words "Against Schools." If a majority of such voters shall vote "For Schools," it shall be deemed and held that a majority of the qualified voters of said graded school district are in favor of granting to the aforesaid Board of Graded School Trustees authority to issue such bonds and to the Board of Commissioners of said town authority to levy such particular tax, and said board of trustees and said Board of Commissioners shall have such authority; but if a majority of such qualified voters shall vote "Against Schools," then said board of trustees and said Board of Commissioners shall not have such authority: *Provided*, that the results of such election, duly ascertained in accordance with law shall be enrolled among the public records of the town of Lenoir; and after thirty days from the date of such enrollment such record shall not be open to attack, but shall be held and deemed conclusive evidence of the truth of the facts therein rectified [certified].

Election to be called, purpose of.

How held.

Notice of election.

Ballots.

If majority favor schools.

Majority oppose schools.

Proviso.

Result of election not to be impeached, when.

Section 10 repealed by Pr. L. 1913, ch. 321

SEC. 11. That the said Board of Graded School Trustees and their successors shall be and are hereby constituted a body corporate by the name and style of "The Board of Graded School Trustees of Lenoir," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire by gift, purchase or devise real and personal property, hold, exchange, mortgage or sell the same, and exercise such other rights and privileges as are incident to other corporations. And said corporation shall have a corporate seal, which it may break and change at pleasure.

Board incorporated, name.

Powers and privileges.

White and negro schools to be established.
Funds, how appropriated.
Proviso, donations.

SEC. 12. That it shall be the duty of said Board of Graded School Trustees to establish graded public schools for the white and colored children of said graded school district; and said board of trustees shall appropriate and use the funds derived from said particular taxes and from other sources in such manner as may be deemed just to both races, providing equal facilities for each, due regard being paid, however, to the difference in the cost of maintaining said schools: *Provided*, that all donations to said schools shall be applied as directed by the donors.

Board to have exclusive control.
Officers and teachers.
School census.

SEC. 13. That said Board of Graded School Trustees shall have exclusive control of all public schools in said school district, free from supervision and control of the County Board of School Directors and the County Superintendent of Schools of Caldwell County; shall prescribe rules and regulations, not inconsistent with this act, for their own government and for the government of such schools; shall prescribe the qualifications, employ and fix the compensation of all officers and teachers of such schools; shall cause to be taken from time to time, in accordance with the general school law of the State, an accurate census of the school population of said school district, and shall exercise such other powers as may be necessary for the successful control and operation of said graded schools.

Public school funds, disposition.
School property vested in board.
Power to convey.

SEC. 14. That all the public school funds derived from the State and from the county of Caldwell, for the use and benefit of the public schools in said graded school district, shall be paid over to the treasurer of the board of trustees hereinbefore provided for by the Treasurer of said county, for the use and benefit of the graded public schools in said graded school district, and the property, both real and personal, of the various school districts embraced within the limits of said graded school district shall become the property of said graded school district, and the title thereto shall be vested in said board of trustees in trust therefor; and said board of trustees may, in their discretion, sell the same or any part thereof and apply the proceeds to the use of the public graded schools to be established in said graded school district.

Persons owning land on corporate limits.

SEC. 15. That all persons owning and residing on lands lying on both sides of said school district may, for the purposes of this act, list and pay taxes on the whole of such land, poll and personal property; notwithstanding that part of land resided upon lies outside but contiguous to said boundary. And all such persons listing and paying taxes on land and personal property shall be entitled to the benefits of said schools without further cost.

Superintendent of schools.

SEC. 16. That said Board of Graded School Trustees shall elect annually, at least thirty days before the opening of the fall term of said graded schools, a superintendent, who shall supervise the graded public schools of said school district and exercise such other powers and discharge such other duties as said board of trustees may prescibe.

Curriculum of studies.

SEC. 17. That said Board of Graded School Trustees are hereby authorized, in their discretion, to fix a curriculum of studies and to adopt text-books for said graded schools; to provide for instruction other than that included in the prescribed course, and to fix the rate of tuition to be charged therefor, and to admit pupils

Tuition fees.

residing without the limits of said graded school district, upon such terms as the said board of trustees may deem just and reasonable.

Trustees to make annual report.

SEC. 18. That it shall be the duty of said Board of Graded School Trustees to make to the Mayor and Board of Commissioners of the town of Lenoir annually, after the close of each school year, a full report of the operation of the graded public schools of said graded school district; and duplicate copies of said report shall be furnished to the County Superintendent of Schools of Caldwell County.

Apportionment of fund per capita.

SEC. 19. That the several boards of school trustees having authority under the general school law of the State shall, in the apportionment of all public school funds to said graded school district, apportion the same upon a per capita basis.

SEC. 20. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 21. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 23d day of February, A. D. 1903.

1913—CHAPTER 321.

AN ACT TO AMEND CHAPTER 132 OF THE PRIVATE LAWS OF 1903, ESTABLISHING GRADED SCHOOLS IN THE TOWN OF LENOIR.

The General Assembly of North Carolina do enact:

SECTION 1. That section ten of chapter one hundred and thirty-two, Private Laws of one thousand nine hundred and three, be and the same is hereby repealed, and the following substituted in lieu thereof:

Board of school trustees.

Election.

Law governing elections.

Vacancies.

Proviso: trustees not officers.

"SEC. 10. That the public schools of said district shall be under the control of a board of school trustees composed of seven members, who shall be elected by the voters of said district on the first Monday in April in each year after the year one thousand nine hundred and thirteen, and under the rules and regulations now provided by law for holding municipal elections in the town of Lenoir. Any vacancy in the board of trustees shall be filled by the other members of the board, whether such vacancy shall occur by reason of death, resignation, failure to elect, or otherwise: *Provided*, that the office of school trustee hereby created shall not constitute an office within the meaning of article seven, section fourteen of the Constitution of North Carolina."

Terms of present trustees to cease.

Election of new trustees.

Terms.

SEC. 2. That the term of office of the board of trustees as at present constituted shall cease and be at an end on and after the first Monday in May, in the year one thousand nine hundred and thirteen; and that at an election to be held on the first Monday in May, one thousand nine hundred and thirteen, for town officers, there shall be elected seven trustees, two of whom shall be elected for a term of one year, reckoned from the first Monday in April, one thousand nine hundred and thirteen; three of whom shall be elected for a term of two years, reckoned from the first Monday in April, one thousand nine hundred and thirteen; and two of whom shall be elected for a term of three years, reckoned from said first Monday in April, one thousand nine hundred and

Election of successors.

thirteen, and the successors of such trustees as hereinbefore provided for shall be elected annually thereafter for a term of three years, as the terms of said trustees as hereinbefore provided for shall expire.

Sec. 3. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Sec. 4. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

1953—CHAPTER 147

AN ACT RELATING TO THE BOARD OF TRUSTEES OF THE LENOIR GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. The Board of Trustees of the Lenoir Graded School District shall consist of seven members to be elected as the terms of the present members expire as hereinafter provided.

Sec. 2. Any qualified voter living in the Lenoir Graded School District may file for election to a board of trustees of said district by signing an application before the City Clerk of Lenoir to have their names placed upon the ballot. The application must show the party affiliation of the applicant and must be filed with the city clerk at least thirty days prior to the date of the election. The secretary of the board of trustees shall prepare the ballot which shall contain the names of all applicants as filed with the city clerk and shall designate thereon the number to be voted upon at the election.

Sec. 3. The time of the election for members of the said board of trustees, their terms of office and the method of filling vacancies shall remain as provided in Chapter 321 of the Private Laws of 1913; provided that no more than four of the said board of trustees shall belong to the same political party.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of February, 1953.

LEXINGTON

1935—CHAPTER 26

AN ACT PROVIDING FOR THE CONTROL AND OPERATION OF THE LEXINGTON CITY ADMINISTRATIVE UNIT AND FOR VESTING TITLE TO PUBLIC SCHOOL PROPERTY IN A BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

SECTION 1. *School district a body corporate; control of schools vested in Board.* The Lexington City Administrative Unit in Davidson County, as said district has been defined and established by the Davidson County Board of Education and the Trustees of the Lexington City Schools, and approved by the State School Commission, is hereby declared to be a body corporate within the contemplation of the Acts of the General Assembly of North Carolina and the control and operation of the public schools within said district shall be vested in a Board under the name and style of the "Board of Education of the Lexington City Administrative Unit," and in the name of said district said Board shall be capable of receiving gifts, purchasing and holding real and personal property for school purposes, of selling and conveying the same when advisable in the judgment of said Board, of building and repairing school houses, of prosecuting or defending suits for or against the corporation, of adopting a corporate seal, and of doing any and all other Acts and things necessary and proper under the law for the maintenance and operation of the public schools in said district.

Incorporation of Lexington City Schools.

Name of control board.

Powers.

Amended,
S.L. 1957
ch. 342

[SEC. 2. *Members of Board; appointment; qualifications.* The Board of Education of the Lexington City Administrative Unit shall be composed of seven (7) members, who shall be appointed

Board of 7 members.

Appointment and term of office.

Qualifications.

Vacancy appointments.

as hereinafter set out in this section. The said Board of Education of the Lexington City Administrative Unit shall be appointed by the Board of Education of Davidson County for a period of two years, said appointment to be made the first Monday in March, one thousand nine hundred and thirty-five, and biennially thereafter on first Monday in March. Each person appointed to membership on said Board shall have the qualifications prescribed by law for members of the Board of Education of Davidson County but there shall be no necessary qualifications as to the residence of any member, except that he or she shall reside within the limits of the said Lexington City Administrative Unit, and that five of said members of the said Board of Education of the Lexington City Administrative Unit shall be residents within the corporate limits of Lexington, North Carolina, and two shall be appointed who are residents outside the corporate limits of the City of Lexington, North Carolina, but who are residents of the district comprising the territory outside the corporate limits of the City of Lexington, North Carolina. If any vacancy occurs by reason of death, resignation, removal or otherwise, in the membership of the aforesaid Board, such vacancy shall be filled for the unexpired term by the Board of Education of Davidson County.]

Selecting officers.

Regular meetings.

Special meetings.

Notice.

Sec. 3. *Officers, meetings, compensation of members.* Said Board shall annually elect from its membership its chairman, vice-chairman, a secretary and a treasurer to serve until the first Monday in March of the following year, or until his or her successor is elected, and qualified. One regular meeting of the Board shall be held each month at the time and place designated for the regular meetings by the Board. The chairman of the Board, may at any time, call a special meeting of the Board by executing a written notice stating the time and place of holding such meeting, such notice to be signed by the person or persons calling the same and a copy thereof to be delivered in hand to each member, or left at his or her dwelling place, at least two hours before the time of such meeting. Meetings of the Board may also be held when all of the members of the Board are present and consent thereto. Any business may be transacted at a special meeting that might be transacted at a regular meeting. Members of the Board shall receive no compensation for their services. The first meeting of the Board shall be held on Monday, March fourth, one thousand nine hundred and thirty-five, for the purpose of organizing the Board and transacting such other business as the Board shall deem necessary and proper.

Control of school property unconveyed.

Sec. 4. *Control of the property of Lexington City Schools.* The sole control of all property unconveyed by the School Commissioners of the City of Lexington is hereby vested in the Board of Education of the Lexington City Administrative Unit heretofore named, to be held by said Lexington City Administrative Unit in trust and for the benefit and use of that section and territory to which the said property belonged prior to the passage of Chapter five hundred and sixty-two of the Public Laws of one thousand nine hundred and thirty-three, and is subject to its control and disposition in the exercise of its judgment, and all rights and powers heretofore given by law to the School Commissioners of the City of Lexington or the Trustees of Lexington City Administrative Unit, not in conflict with this Act and not heretofore repealed, are vested in the Board of Education of the Lexington City Administrative Unit.

Control of High School District property.

SEC. 5. *Control of property of Lexington High School District.* The sole control of all property unconveyed by the Trustees of the Lexington High School District is hereby vested in the Board of Education of the Lexington City Administrative Unit in trust and for the benefit and use of that section and territory to which the said property belonged prior to the passage of Chapter five hundred and sixty-two of the Public Laws of one thousand nine hundred and thirty-three, and is subject to its control and disposition in the exercise of its judgment, and all rights and powers heretofore given by law to the Trustees of the Lexington High School District, not in conflict with this Act and not heretofore repealed, are vested in the Board of Education of the Lexington City Administrative Unit.

Election and removal of school superintendent.

SEC. 6. *Board to elect and remove Superintendent of Schools.* The Board of Education of the Lexington City Administrative Unit shall elect for a term of one year a competent Superintendent of Public Schools of said district at a meeting to be held on or about March fourth;

And said Superintendent shall be subject to removal from his office by said Board for any causes satisfactory to said Board and in the said Board's discretion.

Selection of teachers.

SEC. 7. *Duties of Superintendent.* Prior to the annual election of principals and teachers to be employed in the Lexington City Administrative Unit, the Superintendent of the schools thereof shall present or furnish to the Board of Education of the Lexington City Administrative Unit a list of applications of all persons applying for position as principals or teachers in said schools, and the said Superintendent shall make his recommendations to said Board for the positions aforesaid. It shall be the duty of the Superintendent of the schools of said district to devote his time and attention exclusively to the affairs of the district during his term of office, except when leave of absence is granted by the Board of Education for short periods for good cause. He shall have immediate and direct control over all principals, teachers, and janitors of the school buildings and other persons in charge thereof, and shall be responsible for their efficiency. No teacher or other employee shall be discharged except by a majority vote of said Board whose decision when so made shall be final.

Other duties.

Election of teachers and employees.

SEC. 8. *Board to elect teachers and other employees.* It shall be the duty of said Board of Education of the Lexington City Administrative Unit to elect such assistant superintendents, principals, teachers, and other employees as may be necessary for the conduct of said schools of the district:

Qualifications.

Provided, that no person employed or elected by said Board shall be so employed or elected for a longer term than one year. It shall be the duty of said Board in electing Superintendent, principals, teachers, and other employees for the said schools to consider the ability, education, character, and competency for the performance of the duties for which such person, or persons, are being considered, and to allow these qualities to control in making such selections.

Conflicting laws repealed.

Sec. 9. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Sec. 10. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of February, A.D. 1935.

1957 CHAPTER 342

AN ACT TO AMEND CHAPTER 26 OF THE PRIVATE LAWS OF 1935, AS AMENDED BY CHAPTER 700 OF THE SESSION LAWS OF 1943, AND AS AMENDED BY CHAPTER 56 OF THE SESSION LAWS OF 1949, RELATING TO APPOINTMENT OF MEMBERS OF THE BOARD OF EDUCATION OF THE LEXINGTON CITY SCHOOL ADMINISTRATIVE UNIT.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 26 of the Private Laws of 1935, as amended by Chapter 700 of the Session Laws of 1943 and by Chapter 56 of the Session Laws of 1949, is hereby further amended by rewriting said Section 2 so as to read as follows:

"Sec. 2. The Board of Education of the Lexington City School Administrative Unit shall be composed of six members who shall be appointed by the Board of Commissioners of the City of Lexington. All members of the Board of Education shall be appointed for three-year terms, except for the first members appointed under this Act, the term of two of which shall expire on the second Monday in July, 1958, two on the second Monday in July, 1959, and two on the second Monday in July, 1960, and shall all be considered full terms. No member of the Board of Education may serve for more than two consecutive full terms without an intervening period of three years, and the said Board of Commissioners shall appoint one member to the Board of Education from each of the five wards of the City of Lexington and one member from the territory of the Lexington City School Administrative Unit at large, each of whom shall serve for the term appointed or until their successors are appointed and qualified. All vacancies occurring on said board shall be filled for the unexpired term by the Board of Commissioners of the City of Lexington."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of April, 1957.

LINCOLNTON

1905—CHAPTER 3.

AN ACT TO MAKE THE TERRITORY WITHIN THE TOWN OF LINCOLNTON A GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Graded school district.

SECTION 1. That the town of Lincolnton shall be and constitute a public school district, to be called Lincolnton Graded School District.

School committee.

Amended, Pr. L 1911, ch. 389

Committee named.

Terms of office.

[SEC. 2. That the Graded School Committee of the Town of Lincolnton as set forth in section one of this act shall consist of three members, as now required by the general school law, and that E. Love, R. M. Roseman and W. W. Motz shall constitute said committee; that the term of W. W. Motz shall expire on the first Monday of June, one thousand nine hundred and seven; that the term of R. M. Roseman shall expire on the first Monday of June, one thousand nine hundred and eight; that the term of E. Love shall expire on the first Monday of June, one thousand nine hundred and nine. As the terms of office of the members of said committee as above provided shall expire their successors shall be elected for a term of five years by the Aldermen of the Town of Lincolnton at their first meeting after their election and qualification. Whenever any vacancy occurs in said committee, except by expiration of the term of office, the vacancy for the unexpired term of the member or members shall be filled by the said committee.]

Terms of future committeemen.

Vacancies filled by committee.

Committee to have exclusive control.

SEC. 3. That the school committee provided for by this act shall have exclusive control of the public school interests, funds and property in the graded school district as hereinbefore provided;

To prescribe rules and regulations. Fix compensation of officers and teachers. School census.

shall prescribe rules and regulations for their own government not inconsistent with law; shall fix the compensation of officers and teachers of public or graded schools annually, subject to removal by the said committee; shall make an accurate census of the school population of said district, as required by the general school law of the State, and do all other acts that may be lawful and proper to conduct and manage the general school interests within said district: *Provided*, all children resident in said district between the ages of six and twenty-one years shall be admitted into the said school free of tuition charges.

Tuition free.

Committee to elect superintendent. Superintendent to examine teachers and issue certificates.

SEC. 4. The school committee created by this act may elect annually a superintendent of the school. The said superintendent shall examine all applicants for teacher's position in the said school and issue certificates to the same, and shall do and perform such other duties as may be prescribed by said school committee.

Special school tax.

Rate.

SEC. 5. That it shall be the duty of the Board of Aldermen of the Town of Lincolnton to levy annually at their meeting in June a tax of not more than thirty cents on the one hundred dollars valuation of property in said school district and not more than one dollar and fifty cents on each poll in said district for the support and maintenance of the public graded school in said district; the amount to be levied each year by said board of aldermen to be determined by the said graded school committee, and the amount so determined and certified by said committee shall be levied by the board of aldermen, and the taxes so levied shall be collected by the town tax collector and accounted for as other taxes, but shall be paid to the treasurer of said school committee as collected; and the said board of aldermen are hereby given full power and authority to levy said tax upon the property and polls within said district: *Provided*, the right to levy and collect this said tax shall be authorized by a majority of the qualified voters in said district as is provided by this act.

To be paid to treasurer of committee.

Proviso: tax to be authorized by majority of voters.

General school fund turned over to graded school.

SEC. 7. That the moneys which shall from time to time be apportioned under the general school law of the State to the above-described school district shall be turned over by the Treasurer of Lincoln County to the treasurer of the said school committee for the benefit of said school. [ ]

Amended,
Added,
Pr.L. 389,
§ 4

SEC. 8. The said school committee shall elect [one of their number as treasurer] whose receipt for such moneys shall constitute a sufficient voucher in the hands of any person paying the same, and the said treasurer shall report monthly [to the said school committee] his receipts and disbursements, with all vouchers for the same. The moneys received as aforesaid and all other moneys coming into his hands shall be held by the treasurer of said committee as a fund to be disposed of under the direction of the aforesaid school committee, whose warrants, signed by the chairman and countersigned by the secretary of said committee, shall be the only valid vouchers in the hands of said treasurer for the disbursement of said money in any settlement required of him by the law. The said treasurer shall furnish annually, on the first Monday of July, to the board of aldermen a statement in writing of his receipts and disbursements of the school money, properly and duly audited and approved by the chairman and secretary of the school committee: *Provided*, the accounts, books and vouchers of the said treasurer shall be open for the inspection of the said school committee at any time.

Amended,
Pr. L. 1911,
ch. 389, § 5

School vouchers.

Treasurer to file statement.

Proviso: books open for inspection.

SEC. 9. That the said committee shall make to the board of aldermen annually, at such time as is required under the school law of the State, a report containing an accurate census of the school population of the said district, showing the work done, any money expended under their direction in the said district on account of public schools therein, a copy of which report shall be forwarded to the Superintendent of Public Instruction of the State and a copy to the Superintendent in the County of Lincoln.

Committee to make report.

Report sent to State and county superintendent.

SEC. 10. The beginning and ending of the school year shall be fixed by the committee. The school committee hereby created shall be a body corporate by the name and style of the Lincolnton Graded School Committee, and by that name shall be capable of receiving gifts and grants, of making purchases and of holding real and personal estate, of selling, mortgaging and transferring the same for school purposes, of prosecuting and defending suits for or against the corporation hereby created. Conveyance to said school committee shall be to them and their successors in office, and all deeds and other agreements affecting real estate shall be deemed sufficiently executed when signed by the chairman and secretary of said committee.

School year.

Committee incorporated.

Name.

Formal enumeration of corporate rights.

SEC. 11. That for the purpose of improving and enlarging and properly furnishing the present academy building in said town the Board of Aldermen of said Town of Lincolnton are hereby authorized and empowered, and it shall be their duty, to submit to the qualified voters of said town a proposition to issue not more than three thousand dollars in coupon bonds of said town, said proposition to be submitted to the said voters at the municipal election in one thousand nine hundred and six.

Election to be held on bond issue.

SEC. 12. That notice of the said election shall be published in a newspaper published in said town for four weeks, at the courthouse door and five other places in said town.

Notice of election.

SEC. 13. Said notice shall contain the amount proposed to be borrowed, the rates of interest, the time at which the bonds are to become due, and the objects to which the same is to be applied, and said proposition shall provide for the payment of the interest on said bonds. That said election shall be held as other municipal elections as provided for in the charter of the town.

What notice to contain.

Election under town law

SEC. 14. That the vote on the said proposition shall be by ballot, which shall be written or printed, and those voting for the issuing of the bonds shall have written or printed on their ballots "For Schools," and those voting against the proposition shall have written or printed on their ballots "Against Schools."

Vote by ballot.

Form of ballots.

SEC. 15. That if the proposition shall be adopted by a majority of the qualified voters of the said town the board of aldermen shall cause bonds to be issued in the name of the town of Lincolnton, in such denominations as they may deem best, bearing six per centum interest, payable semi-annually and payable at such time as shall be designated in the proposition submitted. The bonds shall be signed by the mayor and countersigned by the secretary of the board of aldermen, and shall have the seal of the town affixed thereto.

Bonds to be issued.

Denominations.

Interest.

How attested.

SEC. 16. That when said bonds are issued the board of aldermen shall turn them over to the graded school committee for sale: *Provided*, that said bonds shall not be sold for less than their par value. It shall be the duty of said board of aldermen, where the

Committee to sell bonds.

Proviso: at not less than par.

Special tax for interest and sinking fund.

said bonds are issued, to provide by taxation on all of the subjects of taxation within the corporate limits of said town to meet the interest on said bonds and the principal as the same may become due.

Election for special tax.

Vote by ballot.

Form of ballots.

SEC. 17. The Board of Aldermen of the Town of Lincolnton shall at the same time and in the same manner submit to the qualified voters of said town the question of levying a tax for the maintenance and support of said graded school as provided for in this act. The vote on said proposition shall be by ballot, upon which shall be written or printed the words "For Levy," and upon others "Against Levy"; and if a majority of the registered vote shall have been cast "For Levy," then the said board of aldermen shall levy said tax as provided for in this act. Should a majority of the ballots cast have written or printed on them "Against Levy," then the said board of aldermen shall not levy said tax until the same is again submitted to the qualified electors of said town for the approval and adoption by a majority of the votes as above provided for: *Provided*, that in no event shall the proposal to levy said tax in any way affect the other provisions of this act so as to make the same void or inoperative, should the proposition to levy said tax for the support and maintenance of said graded school be defeated at any election at which the same may be submitted to a vote of the qualified electors of said town as hereinabove set forth.

Proviso: defeat of tax proposition not to invalidate other provisions.

Special tax election on petition.

SEC. 18. That the said Board of Aldermen of the Town of Lincolnton, upon the written petition of one-half of the qualified voters of said town, shall submit the question of levy or no levy as above set forth at any annual municipal or special election called by them for that purpose, after public advertisement of the same in the newspapers published in said town, under the same rules and regulations now provided for for annual municipal elections.

School committee to control school property.

Amended,
Added,
Pr.L. 1911,
ch. 389,
§ 8

SEC. 19. The school committee provided for by this act shall have the right to control the site, lands, buildings and other property belonging to the Piedmont Seminary, and the title thereto is hereby vested in said committee and their successors, and said school committee shall succeed to all the rights given and belonging to the trustees of the Piedmont Seminary under and by virtue of the act incorporating the same. [ ]

SEC. 20. All laws or parts of laws in conflict with this act are hereby repealed.

SEC. 21. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1905.

1911—CHAPTER 389.

AN ACT AMENDING THE LAW RELATING TO THE GRADED SCHOOLS OF THE TOWN OF LINCOLNTON.

The General Assembly of North Carolina do enact:

Superseded,
S.L. 1971,
ch.232

[SECTION 1. That section two, chapter three, of the Private Laws of one thousand nine hundred and five, and section one of chapter one hundred and seventy of the Private Laws of one thousand nine hundred and seven, be and the same are hereby repealed, and the following shall be substituted therefor:]

Board of trustees.

Official designation.

Superseded, S.L. 1971, ch.232

Terms of trustees.

[SEC. 2. That H. E. Reid, Edgar Love, R. A. Yoder, J. L. Lineberger and Julius Suttle be and they are hereby appointed a board of trustees of the public schools of said graded school district, and shall be known and designated as "The Board of Trustees of the Lincolnton Graded School District." That wherever in said acts the governing body of said district is designated as "school committee" or "graded school committee" or otherwise, they shall be so amended as to read "The Board of Trustees of the Lincolnton Graded School District." That the term of office of H. E. Reid shall expire on the first Monday in July, one thousand nine hundred and eleven: the term of office of Edgar Love shall expire on the first Monday in July, one thousand nine hundred and twelve; that the term of office of J. L. Lineberger shall expire on the first Monday in July, one thousand nine hundred and thirteen; that the term of office of R. A. Yoder shall expire on the first Monday of July, one thousand nine hundred and fourteen, and the term of office of Julius Suttle shall expire on the first Monday in July, one thousand nine hundred and fifteen.]

Election and term of successors.

Superseded, S.L. 1971, ch.232

[SEC. 2. That the successors shall be elected to take the place of the trustees as above provided for when their term of office shall expire, for a term of five years each, from the resident qualified electors of said graded school district, as follows: Whenever the regular term of office of any trustees shall expire on the first Monday in July next after the date as now provided for holding the regular municipal election in the town of Lincolnton, then at such regular election held in May of such year there shall be elected, in the same manner, at the same time and place, as now provided by law for the election of town officers, and in a separate box provided therefor, one trustee whose term shall begin, upon his duly qualifying, on the first Monday of July following. Whenever the regular term of office of any trustee shall expire on the first Monday in July of any year when there is no regular municipal election as now provided by law in the town of Lincolnton, then the board of aldermen of the town of Lincolnton shall, at their regular meeting in June of such year, elect one trustee whose term shall begin, upon his duly qualifying, on the first Monday in July next thereafter.]

Vacancies.

SEC. 3. That in case of a vacancy occurring by death, resignation, or otherwise, among the members of said trustees, such vacancy, for the unexpired term thereof, shall be filled by the remaining members of the board of trustees of said district.

Apportionment from general fund.

SEC. 4. That section seven of chapter three, Private Laws of one thousand nine hundred and five, be amended by adding at the end thereof the following, to wit: That the general county board of education, having authority under the general school law of the State, shall in all apportionments of the State and county school funds, apportion to the Lincolnton graded schools such sums of money as will be produced by dividing the whole sum to be apportioned in the county of Lincoln by the total number of school children, of school age, in said county, and then multiplying the result by the number of children of school age within the Lincolnton graded school district.

Election and reports of treasurer.

SEC. 5. That section eight of chapter three, Private Laws of one thousand nine hundred and five, be amended by striking out in lines

Bond of treasurer.

one and two and after the word "elect" in line one, and before the word "who" in line two the words "one of their number as treasurer," and insert in lieu thereof the words "a treasurer, who may be a member of the board of trustees or not"; and by striking out in line four after the word "monthly" and before the word "his" in line five the words "to the school committee," and insert in lieu thereof the words "in writing to the said board of trustees of the Lincolnton graded school district." That the treasurer elected by said board of trustees shall before entering upon the duties of his said office give a good and sufficient bond in a sum not less than five thousand dollars, to be fixed and approved by the board of trustees for the faithful performance of the duties of his office and the faithful accounting to them for all moneys which come into his hands by virtue of said office.

Audit of accounts and publication of statement.

SEC. 6. The books of said treasurer shall be examined annually by said trustees or a committee appointed therefrom, and an itemized statement of all receipts and disbursements shall be annually published by such treasurer in a newspaper published in the town of Lincolnton. That such examination shall be made at the close of the school year, which time is fixed at June thirtieth of each year, and such statement shall be published on or before the first day of August thereafter.

Penalty for failure to make statement.

SEC. 7. That the failure of the treasurer of said graded school trustees to make and publish the statement above provided for shall render his office vacant and besides he shall be guilty of a misdemeanor and upon conviction therefor may be fined and imprisoned, in the discretion of the court.

Superintendent.

SEC. 8. That chapter three, Private Laws of one thousand nine hundred and five, be amended by adding at the end thereof a section designated as 19 (*a*), as follows: That the superintendent elected by the board of graded school trustees as provided for in said act shall supervise the graded public schools of said school district, and exercise such other powers and discharge such other duties as said board of trustees may prescribe.

Curriculum and text-books.

Nonresident students.

SEC. 9. That chapter three of the Private Laws of one thousand nine hundred and five, be further amended by adding to the end thereof and designated as section 19 (*b*) the following: That said board of graded school trustees are hereby authorized, in their discretion, to fix and prescribe the curriculum of studies and to adopt text-books for said graded schools, supplementary to those prescribed by State adoption; to provide for instruction, other than that included in the prescribed course and to admit pupils residing without the limits of said graded school district upon such terms as the said board of trustees may deem just and reasonable, and fix the rate of tuition to be charged for those attending from without the district.

Outstanding contracts and obligations.

SEC. 10. That chapter three, Private Laws of one thousand nine hundred and five, be further amended by adding at the end thereof a section designated as 19 (*c*), the following: That any and all outstanding contracts and obligations of the Lincolnton graded school committee of whatever nature shall be assumed and are hereby declared to be valid obligations and debts of the board of trustees of the Lincolnton graded school district, and shall by said trustees be paid out of the funds belonging to said school district which may come into its hands or be subject to its control and direction from time to time until all such obligations are paid. That the title to all property now vested in the graded school committee of said district shall by virtue of this act be vested in the board of trustees of the Lincolnton graded school district.

Property vested.

SEC. 11. That the position of trustee or treasurer of said graded school district shall not constitute an office within the meaning of article 7, section fourteen, of the constitution of North Carolina.

Trustees and treasurer not officers.

SEC. 12. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 13. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, 1911.

1955 CHAPTER 381

AN ACT TO AMEND THE CHARTER OF THE TOWN OF LINCOLNTON TO PROVIDE FOR THE NOMINATION OF CANDIDATES FOR THE OFFICE OF MAYOR, MEMBERS OF THE BOARD OF ALDERMEN AND MEMBERS OF THE BOARD OF EDUCATION OF THE TOWN OF LINCOLNTON BY PARTY PRIMARIES, AND TO PROVIDE FOR TERMS OF OFFICE OF FOUR YEARS FOR MEMBERS OF THE BOARD OF ALDERMEN AND TO ESTABLISH SALARIES OR THE MAYOR AND MEMBERS OF THE BOARD OF ALDERMEN.

The General Assembly of North Carolina do enact:

Section 1. The Charter of the Town of Lincolnton, Chapter 369 of the Private Laws of North Carolina, Session of 1899, as amended, is hereby amended by adding a new Section to read as follows:

"Sec. 1½. Primaries and Elections.

(a) On and after the effective date of this Act all candidates for Mayor, members of the Board of Aldermen, and members of the Board of Education of the Town of Lincolnton, to be voted on in the general municipal elections of the Town of Lincolnton shall be nominated in political party primaries in the manner and form herein prescribed, and no name shall be printed on the general ballot for the Town of Lincolnton except those candidates who are nominated and selected under the provisions of this Act.

(b) On and after the fourth Tuesday preceding the date of the holding of the general municipal election of the Town of Lincolnton, there shall be called, held, conducted and concluded under the direction of the Lincolnton County Board of Elections by election officials designated and appointed by them for that purpose a party primary for the purpose of nominating candidates for Mayor, members of the Board of Aldermen, and members of the Board of Education of the Town of Lincolnton. In the event a runoff primary is required to determine the candidates for any political party, the runoff shall be held on the second Tuesday next preceding the date of the general election.

These primary elections shall be governed by the general law provided for primary elections in subchapter II of Chapter 163 of the General Statutes insofar as such general laws may be construed to apply to said municipal primaries, and in all other respects where the general laws of the State cannot be construed to conform to the provisions of the procedures of a municipal primary, the said primary shall be governed by rules and regulations to be adopted by the Lincoln County Board of Elections for such primary.

(c) Any person desiring to become a candidate for nomination in the primary for the office of Mayor or member of the Board of Aldermen of the Town of Lincolnton or member of the Board of Education of Lincolnton shall by twelve o'clock noon on the second Wednesday preceding the primary election. file with the chairman of the Lincoln County Board of Elections a statement of such candidacy in substantially the following form:

"STATE OF NORTH CAROLINA
COUNTY OF LINCOLNTON

I, ..., hereby give notice that I reside at ....Street, Town of Lincolnton, County of Lincoln, State of North Carolina; that I am a candidate for nomination of the office of Mayor, Alderman (strike out inapplicable part), to be voted upon at the primary election to be held on the..................................Tuesday of ...., 195...... I affiliate with the.................................... party and shall support the nominees of that party, and I hereby request that my name be printed upon the official ballot for the nomination by such primary election for such office.

(Signed).."

Such candidate shall, at the same time, pay to the chairman of the election board to be turned over to the town treasurer the sum of five dollars ($5.00).

(d) The registration books shall be open on the sixth, seventh, and eighth Saturdays next preceding the date on which the general election is held. The registration books shall not thereafter be open for registration for either the primary or general municipal election except for persons qualifying between the time of closing of the books and the general election, as in the case of newly qualified voters under the general election laws of the State. The fifth Saturday next preceding such general election shall be set for challenge day for the registration.

(e) The Lincoln County Board of Elections is authorized, empowered and directed to supervise and conduct each and every primary election, general election and referendum election submitted to the voters of the Town of Lincolnton regardless of the purpose for which the election may be held; and after the aforesaid date, the governing authorities of the Town of Lincolnton shall not exercise any of the duties with respect to the conduct of such elections as they presently exercise. All primaries and elections conducted by the Lincoln County Board of Elections, under authority of this Act, for the Town of Lincolnton shall be held at the expense of and paid for by said town and said expense shall constitute a valid expenditure of the funds of said city for that purpose.

In the conduct of said primaries and elections for the Town of Lincolnton, the Lincoln County Board of Elections shall have the power and is directed to appoint all precinct officials for the conduct of elections to canvass the vote for the said elections and, in general, to exercise all of the same powers in connection with such elections as is now exercised under the law by the Lincoln County Board of Elections in the conduct of primaries and elections for the nomination and election of county officers.

(f) The fourth Tuesday in May shall be the date for the holding of the general municipal election of the Town of Lincolnton.

(g) The Mayor, members of the Board of Aldermen, and elected members of the Board of Education of the Town of Lincolnton shall be installed in their respective offices at twelve o'clock on the first Wednesday in June next after their election.

Sec. 2. The Charter of the Town of Lincolnton, Chapter 369 of the Private Laws of North Carolina, Session of 1899, as amended by Chapter 227, Private Laws of North Carolina, Session of 1917, shall hereby be amended by adding to Section 5 the following:

"That at the general municipal election in the Town of Lincolnton in the year of 1955, the two aldermen reciving the highest number of votes shall be elected for a term of four years, and the other two aldermen shall be elected for a term of two years. As the terms of office of the Board of Aldermen of the Town of Lincolnton, as herein provided. shall expire, their successors shall be elected for a term of four years.

Sec. 3. The Charter of the Town of Lincolnton, Chapter 369 of the Private Laws of North Carolina, Session of 1899, as amended by Chapter 197 of the Private Laws of North Carolina, Session of 1945 is hereby amended by striking out in lines five and six of Section two the words "four hundred dollars", and inserting in lieu thereof the words "six hundred dollars", and that Section two be further amended by striking out in lines eight and nine thereof the words "two hundred and fifty dollars", and inserting in lieu thereof the words "four hundred dollars".

Sec. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. That this Act shall be in full force and effect immediately upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1955.

1971 - CHAPTER 232

AN ACT TO DEFINE THE LINCOLNTON ADMINISTRATIVE SCHOOL UNIT AND TO PROVIDE FOR THE ELECTION OF ITS BOARD OF TRUSTEES.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created the Lincolnton Administrative School Unit which shall consist of the area within the corporate limits of the City of Lincolnton and the area outside the corporate limits, said area being described as follows:

The High School Western Boundary is: BEGINNING at Catawba County line the western boundary line will be Clark Creek to the point where it flows into the South Fork of the Catawba River near Highway #27 on the western limit of the City of Lincolnton. The western boundary then becomes the South Fork of the Catawba River which continues Eastward to the C&NW overpass on Road #1248 and it follows this road to Road #1243 which it follows south to Road #1423, then on a line south-east to Pisgah Church on Highway #321, crossing Highway #321 and going East on Road #1303, to include access Road #1302, continuing South on Highway #321 to the small stream near the intersection of Highway #321 and Road #1245.

The High School Eastern Boundary is: BEGINNING at Highway #321 South at Gaston County line, the line follows Highway #321 North to the small stream near the intersection of Highway #321 and Road #1245 and to Road #1307. At Road #1307 the line continues north to the Salem Road #1001 to Boger City where it merges into Highway #150 East and then to Road

#1339 near Perk Caldwell's General Store. Road #1339 becomes the Eastern boundary line to the point where it merges into Road #1003 and the line continues north to the Catawba County line.

The Elementary Lines are as follows: Highway #321 North to the Catawba County line, the City of Lincolnton, and Highway #321 South to Pisgah Church. The western boundary is the same line as for high school students. The eastern boundary for elementary students starts at the Catawba County line then south to Road #1342 to include the section called Coral Park, then south to Road #1338 and #1267 and south-west to the intersection of Highway #321 By-Pass and N.C. Highway #150 and N.C. Highway #27, then south-east to the intersection of Road #1262 and Road #1298, including the areas of Forest Hills and Forest Hills extension, then south-west to Highway #321 at Pisgah Church, and including Roads #1298, #1300, and #1299. This area lies within the Western and Eastern boundaries described above.

Whenever the reference in the foregoing description refers to a road or highway, then the line or point referred to shall be in the center of said road or highway.

Sec. 2. The governing body of the Lincolnton Administrative Unit shall be a Board of Trustees consisting of five members having the powers, duties, privileges and authority granted and applicable to city admonistrative units privileges and authority granted and applicable to city administrative units and city boards of education as set forth in Chapter 115 of the General Statutes of North Carolina.

Sec. 3. The initial five members of the Board shall be selected as follows: The one member nominated and elected in the regular primary and election held for the City of Lincolnton in 1971 shall be elected for a term of four years. Said member shall take office on the first Monday after the certification of his election and shall serve until the first Monday in December, 1974. The incumbents, W. B. Rankin and Henry Collins, shall continue in office and shall serve until the first Monday in December, 1972. The incumbents, Dr. Boyce Griggs and Dr. Samuel Wilson, shall continue in office and shall serve until the first Monday in December, 1974.

Sec. 4. Beginning with the regular primary and general election for county officers to be held in 1972, two members of the Board shall be nominated and elected for terms of four years, and in the primary and general election to be held in 1974, three members of the Board shall be nominated and elected for terms of four years. Thereafter, as the terms of the members elected under this section expire, their successors shall be nominated and elected for terms of four years and the persons elected shall take office on the first Monday in December following their election.

Sec. 5. The elections to be held in 1972 and thereafter shall be held and conducted by the County Board of Elections and said elections shall be conducted under the same laws, rules and regulations governing elections for county officers, except that absentee ballots shall not be allowed. Any qualified voter residing in the Administrative Unit shall be eligible to seek office to the Board of Trustees, and to vote in said elections.

Sec. 6. The members of the Board appointed and elected under this act shall, annually, at the first meeting of the Board, choose one of the members as Chairman. Any vacancy occurring on the Board for any cause shall be filled by the remaining members of the Board, and the person appointed shall serve for the unexpired term.

Sec. 7. For purposes of the election of one member to be nominated and elected in the primary and election held for the City of Lincolnton in 1971, any qualified voter residing within the area described herein, and who has already filed notice of candidacy for the Board of Trustees and paid the filing fee, shall be permitted to run in said primary and election, if nominated, and any qualified voter residing in said Administrative Unit shall be eligible to vote in the said primary and general election.

Sec. 8. Any provision of Chapter 3, Private Laws of 1905, and Chapter 389, Private Laws of 1911, in conflict with this act, and all other laws and clauses of laws in conflict with this act, are hereby repealed to the extent of such conflict.

Sec. 9. This act shall be effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1971.

LUMBERTON

1907—Chapter 343.

An act to revise the charter of the Town of Lumberton.

The General Assembly of North Carolina do enact:

Graded school district.

Sec. 69. The town of Lumberton shall be and constitute a public school district to be called Lumberton Graded School District.

Trustees for public schools.

Sec. 70. R. D. Caldwell, J. G. McCormick, Stephen McIntyre, W. H. Humphreys, K. M. Biggs, A. E. White and George B. McLeod are hereby constituted a board of trustees for the public schools of said district, and shall serve for the period herein indicated and until their successors are elected and qualified.

Terms of office.

The said R. D. Caldwell, J. G. McCormick, Stephen McIntyre and W. H. Humphrey shall hold office until the first Monday in May, one thousand nine hundred and eight; and said K. M. Biggs, A. E. White and George B. McLeod shall hold office until the first Monday in May, one thousand nine hundred and nine, and upon the expiration of the terms above mentioned or any of them, their successors shall be elected by the voters of the town of Lumberton in the manner herein provided, [and shall hold their offices for two years and until their successors are elected and qualified as herein provided.]

Superseded,
(in part)
S.L. 1965,
ch. 211

Trustees incorporated.
Corporate name.
Corporate powers.

[Sec. 71. The said board of trustees and their successors in office shall be and are hereby constituted a body politic and corporate by the name and style of The Board of Graded School Trustees of Lumberton, and by that name may sue and be sued, contract and be contracted with, acquire by gift, purchase or devise real and personal property, hold, exchange or sell the same, and exercise such other rights and privileges as pertain to corporations under the general laws of North Carolina.

Superseded,
(in part)
S.L. 1965,
ch. 211

Vacancies.

All vacancies caused by death, resignation, removal from the district or otherwise shall be filled by the remaining members of the board of

Organization.

Trustees not officers.

trustees. The members of the board shall elect from their number a chairman and a secretary, and the Town Clerk and Treasurer of the Town of Lumberton shall be *ex officio* the treasurer of said board and the funds belonging thereto.] The position of graded school trustee shall not be considered an office within the meaning of article fourteen, section seven of the Constitution of North Carolina.

Duty of trustees.

Powers of trustees.

Outside pupils.

School census.

Reports.

SEC. 72. It shall be the duty of said board of trustees to establish and maintain in said district a system of public schools for all children resident therein between the ages of six and twenty-one years. The said trustees shall have exclusive control of such schools; shall prescribe rules and regulations for their conduct and control; employ, fix the compensation of and dismiss the superintendents, officers and teachers therein, and exercise all powers that may be needful for the proper and successful operation thereof. Said board of trustees may admit to said school pupils from outside the district under such conditions and terms as it may prescribe; it shall cause to be taken from time to time, in accordance with the general law, an accurate census of the school population of the district, and shall make such reports of the operation of said schools as may be required by law or by the State Superintendent of Public Instruction, and shall make reports to the County Board of Education of Robeson County, as required by law from the public schools.

School funds.

Warrants.

Bond of treasurer.

Superseded, (in part) S.L. 1965, ch. 211

Reports and statements of treasurer.

Semi-annual accounts.

SEC. 73. All funds belonging to the school fund as herein provided shall be kept by the treasurer of said board, and shall be under the control of the board of trustees, and shall be disbursed only upon warrant signed by the chairman and secretary of said board, and such warrants shall be the only valid vouchers in settlement. A suitable bond to be fixed by the board of commissioners shall be required of the Town Clerk and Treasurer of the Town of Lumberton, as *ex officio* treasurer of the school fund as herein provided, in an amount sufficient to secure all school money which may at any time come into his hands; and the said treasurer shall make such reports and statements as may be required of him from time to time by the said board of trustees or by the Board of Commissioners of the Town of Lumberton; and it shall be the duty of said treasurer to prepare and present to said board of trustees semi-annually, or at any time when required, an account showing all receipts and disbursements made by him during the preceding six months or period called for by the board, together with an accurate statement of all funds on hand and of the condition of the school fund, with such other and further information as may be required of him by the said board of trustees. The said board may allow to the treasurer such compensation for his services as it may deem just.

Apportionment from general fund.

SEC. 74. Any and all amounts which may be apportioned from the county school fund or from the State of North Carolina for said district under the general school law of the State or under any other act of assembly or otherwise, shall be hereafter paid direct by the county treasurer to the treasurer of the said board of graded school trustees; and the said graded school district shall be entitled to receive a proportionate amount of all funds to the credit of the public school districts, white and colored, in which the town of Lumberton was located just prior to the passage of this act, which may be in the hands of the county treasurer at the time of the ratification of this act, such proportionate part of said funds to be determined in accordance as the number of children contained in the graded school district hereby established bears to the total number of children in the public school district in which said town of Lumberton was located just prior to the passage of this act, and the county treasurer shall at once ascertain such proportion and pay over such proportionate part of such funds to the treasurer of the said graded school district.

Robeson Institute may be leased or sold to trustees.

SEC. 75. The trustees of Robeson Institute are hereby authorized and empowered to lease or sell to the Board of Graded School Trustees of Lumberton the property, both real and personal, now held by them as trustees of Robeson Institute.

Debt for graded school purposes.

Limit.

Bond issue authorized.

Term of bonds.

Interest.

SEC. 76. The town of Lumberton is hereby authorized and empowered to create a debt for graded school purposes and all necessary expenses connected therewith to an amount not exceeding twenty-five thousand dollars, and may issue bonds to that amount or in less amount for that purpose in the name of the Town of Lumberton, in denomination and form and payable at said place and time, not exceeding thirty years, and bearing interest at no greater rate than six per centum per annum, payable annually or semi-annually, as the board of commissioners may determine.

Bond issue subject to approval of voters.

Notice of election.

Law governing election.

Ballots.

Proviso: election only ordered on petition.

SEC. 77. The bonds for graded school purposes shall not be issued until approved by a majority of the qualified voters of said town, after thirty days' notice at the court-house door in the town of Lumberton and four other public places in said town, at an election to be held under the same rules and regulations as are herein provided for elections in said town; such notice shall set forth the object for which the bonds are to be issued, the amount of the same, the rate of interest, the time that they mature and the rate of tax to be levied to pay the principal and interest thereon. The qualified voters approving the issue of said bonds and the levy and collection of the taxes to pay same shall deposit in a ballot box provided for that purpose a written or printed ballot with the words "Graded School Bonds: Approved" thereon, and those disapproving the same shall deposit a like ballot with the words "Graded School Bonds: Disapproved" thereon. If at said election a majority of such voters shall vote "Graded School Bonds: Approved," then the mayor and board of commissioners of the said town shall issue the bonds provided for in such notice, and shall levy and cause to be collected the tax therein named and authorized by this act: *Provided*, no election shall be ordered unless a petition requesting the same, signed by a majority of the qualified voters of said town, be presented to the mayor and commissioners thereof, setting forth the matter above required in the notice of election.

Authentication of bonds.

Sale of bonds.

Disposition of proceeds.

SEC. 78. The said bonds shall be issued under the signature of the mayor of the said town, and attested by the town clerk and treasurer under the official seal of said town, and the mayor shall, under the direction of the board of trustees of said graded schools, dispose of said bonds at a sum not less than par value, and the proceeds thereof shall be used for the purpose of purchasing property, erecting, improving and equipping buildings for graded school purposes and all necessary expenses connected therewith.

Tax for interest and sinking fund.

Proviso: investment of sinking fund.

Proviso: bond required of clerk and treasurer.

Proviso: limit of tax rate.

SEC. 79. That for the purpose of paying the interest on said bonds as it falls due, and for providing a sinking fund for the redemption of said bonds when due, or for purchasing or cancelling the same before due, it shall be the duty of the board of commissioners of said town, at the time fixed for the levy of other taxes in the same, to levy and cause to be collected with the other taxes each year, so long as any of the said bonds are unpaid, a sufficient special tax upon all the subjects of taxation within the town of Lumberton which are subject to taxation for ordinary municipal purposes, as herein provided, which taxes, so collected, shall at all times be kept separate and distinct and used only for the purpose above set out: *Provided*, that so much of the tax levied each year as may not be required to pay the interest on said bonds, and which cannot be applied to the purchase or discharge of the said bonds, shall be invested so as to secure the payment at maturity of the principal of said bonds; and to increase the due investment of the above described amounts from time to time it shall be the duty of the town clerk and treasurer, under the direction of the board of commissioners, to make investment of said amounts and to do and perform all such other services in connection with said bonds as said commissioners may prescribe: *Provided further*, that the said board of commissioners of said town may require an official bond of the clerk and treasurer, not exceeding ten thousand dollars, for the faithful discharge of all duties pertaining to his office: *Provided further*, that the rate of taxation in said town (not including license and privilege taxes) shall not at any time exceed the rate of one dollar and fifty cents on every hundred dollars' valuation, and a poll tax not exceeding four dollars and fifty cents, with which to pay both the ordinary expenses of said town and the special taxes provided for in the acts heretofore enacted for the issuance of bonds by the said town and the special taxes for the bond issue herein provided for.

Bonds exempt from town tax.

SEC. 80. The bonds authorized to be issued by this act and their coupons shall not be subject to taxation by said town until after they become due or tender of payment shall have been made by the town through the treasurer, and the coupons shall be received in payment of town taxes for any fiscal year in which they become due, or thereafter; and if the holders of any of said bonds or coupons shall fail to present the same for payment at the time and place herein named, he shall not be entitled to any interest thereon for the time they have been outstanding after maturity.

Record of bonds.

SEC. 81. The clerk and treasurer of said town shall keep a record in which shall be written the name of every purchaser of a bond and the number and amount thereof, and he shall keep an accurate account of the coupons and bonds which shall be paid and cancelled, so that the true state of the bonded indebtedness of the town shall be readily seen and ascertained at any time by any taxpayer of said town.

Lithographed signatures legalized.

SEC. 82. The lithographed signature to the said coupons and to the bonds provided for in this act shall be deemed a sufficient signing thereof by the mayor and by the town clerk and treasurer.

Graded school bonds independent of other bonds.

SEC. 83. The bonds herein provided for graded school purposes shall be separate from and independent of the bonds heretofore issued by said town of Lumberton for any purpose whatsoever; and shall also be separate from, independent of and in addition to the provisions for the issuance of bonds for public improvements, as is provided in this charter; and the power to issue bonds for graded school purposes shall be in addition to the power contained in this charter for the issuance of bonds for town improvements.

Election on special tax for graded schools.

SEC. 84. Upon receipt of a petition in writing signed by a majority of the qualified voters of the town of Lumberton, it shall be the duty of the board of commissioners of said town to submit the question of the levying of a special tax for the support and maintenance of the graded schools herein provided for at any annual municipal or at any special election called by it for that purpose.

Notice of election.

SEC. 85. Notice of said election shall be published at the courthouse door and four other public places in said town for thirty days preceding said election. Said notice shall contain the object for which the tax is levied, the amount of same and the time and place at which such election shall be held. The said election shall be held under the same rules and regulations as are provided for in this charter for other town elections; and said election may be held at the same time as an election for the purpose of issuance of bonds for graded school purposes, or at the time of the regular annual election, or at a different time.

Ballots.

SEC. 86. The vote on said proposition shall be by ballot, upon which shall be written or printed the words "Special Tax for Graded School: Approved," or "Special Tax for Graded School: Disapproved," and if a majority of the qualified voters shall vote "Special Tax for Graded School: Approved," then it shall be the duty of the Board of Commissioners of the Town of Lumberton to levy an annual tax for graded school purposes in the amount and at the rate as set forth in said notice of election: *Provided*, said special tax for graded school purposes shall be not more than thirty cents upon the hundred dollars valuation of property in said town and not more than ninety cents on each poll; and said special taxes shall be collected as other town taxes and paid over to the treasurer of the graded school fund and shall be used for the support and maintenance of said schools: *Provided further*, that the total taxes levied upon said town, including the special tax for graded schools, and also including the taxes levied on account of any issue of bonds heretofore made or which may be hereafter made for any purpose whatsoever, shall never exceed one dollar and fifty cents upon the hundred dollars' valuation of property and four dollars and fifty cents upon each taxable poll.

Proviso: limit of tax.

Proviso: limit on total tax rate.

Other provisions of law not affected.

SEC. 87. In no event shall the proposal to levy said special tax for graded school purposes in any way affect any of the other provisions of this act relating to graded schools, so as to make the same void or inoperative should the proposal to levy said special taxes for the support and maintenance of said graded school be defeated at any election at which the same may be submitted on a vote of the qualified electors of said town as hereinbefore set forth.

1965—CHAPTER 211

AN ACT TO PROVIDE FOR THE ELECTION, TERMS, COMPENSATION AND ADDITIONAL POWERS OF THE LUMBERTON CITY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of the Lumberton City School Administrative Unit shall consist of seven members. The term of office of the present members of the Board of Education shall expire as follows: Mrs. Frank P. Ward, term to expire the first Monday in July, 1967; Mr. Edward A. Sundy, term to expire first Monday in July, 1967; Mr. Ben G. Floyd, Jr., term to expire first Monday in July, 1967; Dr. Douglas H. Clark, term to expire first Monday in July, 1969; Mrs. Ethel T. Hayswood, term to expire on first Monday in July, 1969; Knox M. Barnes, term to expire first Monday in July, 1969; Ingram P. Hedgpeth, term to expire first Monday in July, 1969.

Sec. 2. At the regular municipal election, to be held in the City of Lumberton in May of 1967, and biennially thereafter, there shall be elected to the Board of Education of the Lumberton City School Administrative Unit the number of members necessary to take the place of the members of such Board whose terms next expire. All members elected in 1967, and biennially thereafter, shall serve for a term of four years and until their successors are elected and qualified.

Sec. 3. Any qualified voter may file as a candidate for the Board of Education of the Lumberton City School Administrative Unit by filing a notice of candidacy in the same manner as presently provided for other City officials. All candidates shall be voted upon by all of the qualified voters of the City of Lumberton School Administrative Unit.

Sec. 4. The election shall be held by the same officials and shall be conducted, insofar as practicable, in accordance with the provisions of law, rules and regulations relating to municipal elections in the City of Lumberton.

Sec. 5. The boundary lines of the Lumberton City Administrative Unit are and shall be coterminous with the boundary line of the City of Lumberton as provided in Chapter 1065 of the 1957 Session Laws of North Carolina.

Sec. 6. If an elected School Board member shall fail or refuse to qualify, or if there is any vacancy in the office of School Board members after election and qualification, or if any School Board member be unable to discharge the duties of his office for any reason, the remaining members of the School Board shall elect some person to serve the unexpired term, or during his disability, as the case may be. School Board members so elected shall have all authority and powers granted to regularly elected members.

Sec. 7. Before entering upon their offices, the members of the Board shall severally take an oath before the Clerk of the Superior Court of Robeson County, State of North Carolina, to perform faithfully the duties of their respective offices.

Sec. 8. Those persons elected and qualified to serve on the Lumberton City Board of Education shall assume office at the first regular meeting of the Board in July following their election.

Sec. 9. The members of the Board of Education of the Lumberton City School Administrative Unit shall at the first meeting elect one of their members to serve as Chairman and one member to serve as Vice Chairman for a term not exceeding two years and said Chairman and Vice Chairman shall serve until their successors are elected. The Board of Education shall determine its own rules and order of business, time of meetings, and shall keep minutes of all meetings and proceedings.

Sec. 10. The Board of Education of the Lumberton City School Administrative Unit shall have authority to authorize and pay reasonable expenses of the members of the Board, Administrative Officers, Principals, Teachers or other members employed for travel in the furtherance of the business and affairs of the school or for the purpose of promoting the best interest of the schools. Effective July 1, 1965, the members of the Board of Education of the Lumberton City School Administrative Unit shall receive the following compensation for their services: Chairman of Board shall receive fifteen dollars ($15.00) and each Board member shall receive ten dollars ($10.00) for attending each regular, recessed and special meeting of said Board.

Sec. 11. The Board of Education of the Lumberton City School Administrative Unit shall have the same powers and authority as is conveyed upon School Boards by Chapter 115 of the General Statutes of North Carolina.

Sec. 12. The Board of Education of the Lumberton City School Administrative Unit shall have, in addition to all other powers possessed by it by virtue of any general or special act, the following powers:

1. The Board may convey any of its real property, or any interest therein, for street and sidewalk purposes, or for a public thoroughfare to the State of North Carolina or any subdivision or agency thereof, and it may grant an easement in any such real property for water or sewer lines, public utility lines, conduits or pipes of any kind, either above, below or on the ground, or for any other purpose that said Board shall deem advisable, if, in the Board's opinion, such easement will not interfere with the proper use for school purposes of the property in which such easement is granted.

2. The Board may grant a license for the temporary use of any real or personal property of the said Board for any purpose that the Board may deem advisable, if in the opinion of the Board such license will not interfere with the proper use for school purposes.

3. The Board may make any conveyance, easement or license authorized above, with or without consideration therefor, as the Board may deem advisable, and without compliance with any other law relating to the sale or conveyance of school property.

4. The Board may sell any real property, title to which is vested in the said Board, which, in the opinion of the Board, is not needed for school purposes. Said sale shall be made as provided in G. S. 115-126.

The net proceeds of the sale of any real property of said Board may be applied, at the discretion of the Board, to the purchase of any real or personal property for capital improvements, or to the school bonded indebtedness for the School Administrative Unit.

5. The Board may sell, at private sale, any personal property which in the opinion of said Board does not exceed one thousand dollars ($1,000.00). Advertisement of such sale shall not be necessary. The sale shall not be subject to upset bid, and such sale shall be final. The sale of any personal property, which in the opinion of the Board exceeds one thousand dollars ($1,000.00), shall be made as provided by G. S. 115-126.

The proceeds of any sale of personal property, as authorized herein, may be applied to any purpose the Board may direct or authorize.

6. Any personal property, title to which is vested in the Board, may be exchanged for other personal property or be exchanged as part of the

purchase price of other personal property by direction or authorization of the Board.

7. When any contract shall have been awarded for any construction or repair work pursuant to and in accordance with the provisions of G. S. 143-129, and, after the work has begun, the Board shall find it necessary or desirable and to the best interest of the schools to make any minor change or changes in the original plans or specifications for such work entailing an expenditure that would result in an increase of the original contract price for the work, it shall have authority to contract with the original contractor for the performance of the work occasioned by such change or changes in the plans or specifications; provided, however, the total expenditures for such extra work shall not exceed ten per cent (10%) of the original contract price, nor may such extra work vary so substantially from the original plans or specifications as to constitute in fact a new undertaking.

8. Whenever the Board shall be unable to obtain a suitable site for a school, school building, or other school facility by gift or purchase, it may acquire title to not more than 50 acres for such purposes in the manner prescribed by G. S. 115-125. In like manner, the Board may acquire title to or an easement in such land as may be necessary for street purposes to afford a means of ingress and egress as between any site or sites for schools or school facilities and any established and main traveled street, road or thoroughfare, or any established or dedicated street, road or thoroughfare connecting with any main traveled thoroughfare.

The fact that the land to be so acquired for a suitable site may lie adjacent to an existing public school site shall not be deemed an addition to said existing site if the purpose of its acquisition is to construct or erect an independent school, school building, or school facility, separate and apart from the school and school facility located on the previously existing site.

The Board may acquire title to or an easement in land for street purposes, as herein provided, for more than one means of ingress and egress, but not more than three such means, which shall be of a width necessary to comply with all State laws, rules and regulations of the State Highway Commission with respect to the required width of public streets or roads, but not in excess thereof.

9. Whenever it shall become necessary for the Board to proceed, as provided in G. S. 115-125, the Clerk of the Superior Court of Robeson County shall be authorized and empowered to charge, as a part of the costs, a reasonable compensation for the appraisers appointed by the Court to assess the value of the land or easement therein so acquired, to be paid by the Board and not by the other parties to the proceedings except in case of an appeal from the Clerk of Superior Court.

Sec. 13. The term "school facility", as used herein, shall be deemed to include any of the following: School buildings, together with accessory buildings, playgrounds, athletic fields, parking facilities, warehouses for storing school supplies, garages and shops for use in storing and maintaining school equipment and vehicles, right-of-way easements, property for the location of septic tanks, sewage lines, filter beds, and effluent lines.

Sec. 14. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 15. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1965.

1971 - CHAPTER 1228

AN ACT TO AMEND G.S. 115-131 AS IT APPLIES TO HOKE, ROBESON AND SCOTLAND COUNTIES TO AUTHORIZE AND EMPOWER COUNTY AND CITY BOARDS OF EDUCATION TO ENTER INTO LONG-TERM AND SHORT-TERM LEASE, LEASEBACK, AND LEASE-PURCHASE CONTRACTS WITH INDIVIDUALS, FIRMS AND CORPORATIONS.

Whereas, the need for expanding existing public school facilities and constructing new public schools has become an urgent need for public education in the State; and

Whereas, county and city boards of education have experienced serious problems in the financing of badly needed public school facilities and have met resistance in seeking new tax sources and in bond elections; and

Whereas, it appears likely that the public school population will continue to rise, thus compounding these problems; and

Whereas, it is deemed in the public interest to provide new methods and means of financing public school construction, including the use of private funds, and to empower local school boards to enter into the necessary arrangements; Now, therefore,

The General Assembly of North Carolina enacts:

Sec. 1. G.S. 115-131 as applicable to Hoke, Robeson and Scotland Counties is amended by rewriting the entire statute so that it shall read as follows:

"§ 115-131. County and city boards of education, with the approval of the board of commissioners, are authorized to appropriate funds to aid in the establishment of a school facility and the operation thereof in an adjoining county or city administrative unit when a written agreement between the boards of education of the administrative units involved has been reached and the same recorded in the minutes of said boards, whereby children from the unit making such appropriations shall be entitled to attend the school so established.

In all cases where title to property has been vested in the trustees of a special charter district which has been abolished and has not been reorganized, title to such property shall be vested in the county or city board of education of the county embracing such former special charter district.

County and city boards of education are hereby authorized and empowered, in their discretion and in conformity with law, to enter into long-term leases or lease-purchases with individuals, firms or corporations for the rental of grounds and of buildings to be erected for school purposes. The terms of said leases shall not exceed 25 years at a stipulated rental, and the term of a lease-purchase shall not exceed 10 years, with the right of renewal for an additional 10 years.

County and city boards of education are further empowered and authorized to enter into short-term leases, for a period not more than seven years, with an individual, firm or corporation for the use and renovation of an existing building and grounds for school purposes.

County and city boards of education are further empowered and authorized to enter into long-term lease and leaseback agreements with respect to any proposed school site where it is the purpose of the lease and leaseback agreements to provide for the erection of school buildings and facilities with non-public funds; and pursuant to such purpose, county and city boards of education are authorized to execute documents to subordinate the fee estate to such site to a construction and long-term financial institution to secure repayment of funds loaned to construct such buildings and facilities on the site. Provided, any subordination of the fee estate permitted herein shall not create any obligation or liability on the part of the county and city boards of education in regard to payment of construction and long-term financing notes and, provided further, that county and city boards of education may, upon default of the borrower on any note given for construction or long-term financing, assume the obligation of the borrower under said note and terminate any lease entered into.

County and city boards of education are further authorized and empowered to make all other contracts or agreements necessary or convenient in carrying out such purposes.

The provisions of the long or short-term leases, leasebacks, and lease-purchases, including building or renovation plans, shall be subject to approval by the State Superintendent of Public Instruction and no such contract shall be entered into without prior approval of said State Superintendent, and the building or renovation plans shall be subject to approval by other departments and agencies as required of school facilities to the extent required by law.

Procedures for competitive bidding as are presently applicable in regard to public contracts pursuant to G.S. 143-129 shall be undertaken by the individual, firm, or corporation who shall hold title to the school buildings and facilities upon contemplation of construction or renovation of a school building and facilities on a school site."

Sec. 2. This act shall become effective upon ratification, and apply only to Scotland, Hoke and Robeson Counties.

[Editor's Note. See Pr. Laws at 1907, ch. 226, for act first establishing a school district in Madison.]

MADISON-MAYODAN

1957—CHAPTER 1197

AN ACT AUTHORIZING CREATION OF A CITY ADMINISTRATIVE SCHOOL UNIT IN ROCKINGHAM COUNTY TO BE KNOWN AS WEST ROCKINGHAM CITIES ADMINISTRATIVE UNIT, SUBJECT TO A REFERENDUM VOTE OF THE PEOPLE IN AREAS AFFECTED.

The General Assembly of North Carolina do enact:

Section 1. Upon receipt of a petition signed by not less than 15% of the qualified voters of the territory described in such petition praying that such territory be included in a new city administrative school unit to be known as "The West Rockingham Cities Administrative School Unit", the Board of Commissioners of Rockingham County shall call and conduct an election held in conformity with provisions of Article 14, Chapter 115 of the General Statutes. At such election the question presented to the voters shall be an authorization to create a city administrative school unit in the western part of Rockingham County to be known as the West Rockingham Cities Administrative School Unit, to be composed of the townships of Madison, Mayo, Price and that portion of the townships of New Bethel and Huntsville, now constituting a part of the Madison City Administrative School Unit. A joint petition may be presented by voters residing in the present Madison City Administrative School Unit and the Mayodan School District. A separate petition may be presented by voters residing in the present Stoneville School District. The vote shall be by the qualified voters residing in the present Madison City Administrative School Unit and the Mayodan School District voting jointly as one area. The voters residing in the present Stoneville School District shall vote separately. If a majority of the votes cast in the present Madison City Administrative School Unit and the Mayodan School District shall be for the creation of such new city administrative

Superseded,
S.L. 1959,
ch. 101,
§ 1

unit, such school unit shall be created. If a majority of the votes cast in the area now constituting the Stoneville School District shall be in favor of the creation of such new city administrative school unit, then the present Stoneville School District shall become a part of such new administrative school unit when created pursuant to an affirmative vote in the present Madison City Administrative School Unit and the Mayodan School District.

The ballots to be used in said election shall contain the following language: "FOR creation of the West Rockingham Cities Administrative School Unit" and "AGAINST the creation of the West Rockingham Cities Administrative School Unit".

Sec. 2. [In case West Rockingham Cities Administrative School Unit shall be created as set out in the first Section of this Act, and shall include Madison, Mayodan and Stoneville, the board of education of such administrative unit shall be composed of six members as follows: One from Madison, one from Mayodan, one from Stoneville and three from the unit at large. The members of the first board of education for such new unit shall be appointed as follows: The members from Madison, Mayodan and Stoneville by the Rockingham County Board of Education and the three members from the unit at large by the Board of Commissioners of Rockingham County. The member appointed from Mayodan shall serve for a term of two years, the member appointed from Stoneville shall serve for a term of four years, the member appointed from Madison shall serve for a term of six years and of the three members at large appointed by the board of county commissioners, one shall be appointed for a term of two years, one shall be appointed for a term of four years and one shall be appointed for a term of six years. In case Mayo and Price townships shall vote not to become a part of such new administrative school unit, the board of education of the administrative unit shall consist of five members appointed as herein provided, one from Madison, one from Mayodan and three from the area at large. The successors to the members of the original board of education shall be nominated in the biennial primary election for Rockingham County by the qualified voters of the entire unit for terms of six years, but one member shall always reside in Madison, one member in Mayodan, one in Stoneville and all members shall be appointed by the General Assembly from those nominated in the Primary Election. In case Mayo and Price townships shall vote not to become a part of such administrative unit, then there shall be only five members of said board, one member residing in Madison, one in Mayodan and the other three in the area at large.]

Superseded,
S.L. 1959,
ch. 101

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1957.

1959—CHAPTER 101

AN ACT CHANGING THE NAME OF "THE WEST ROCKINGHAM CITIES ADMINISTRATIVE SCHOOL UNIT" TO THE "MADISON-MAYODAN CITY ADMINISTRATIVE UNIT"; PROVIDING FOR THE NOMINATION AND ELECTION OF MEMBERS OF THE MADISON-MAYODAN CITY BOARD OF EDUCATION; FIXING THE TERMS OF OFFICE OF MEMBERS; AND PROVIDING FOR FILLING VACANCIES IN THE MEMBERSHIP OF SAID BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. That the name of the administrative school unit created by Chapter 1197, Session Laws of 1957, shall be and the same is hereby changed from "The West Rockingham Cities Administrative School Unit" to the "Madison-Mayodan City Administrative Unit."

Sec. 2. (a) That in the primary election to be held in Rockingham County in 1960, two candidates residing in Mayodan and two candidates residing in said administrative unit at large shall be nominated in a nonpartisan primary to succeed the member from Mayodan and the member from the district at large whose terms of office expire in 1961. In the primary election of 1962 two candidates shall be nominated in a nonpartisan primary to succeed the member at large whose term expires in 1963. In a nonpartisan primary to be held in 1964 two candidates residing in Madison shall be nominated to succeed the member of said board from Madison and two candidates to succeed the member of said board from the unit at large whose terms expire in 1965.

In filing notice of candidacy, each candidate shall indicate in his notice the area which he wishes to represent on said board of education. The Rockingham County Board of Elections is hereby authorized and directed to conduct a nonpartisan primary for the nomination of members of the Madison-Mayodan City Board of Education biennially at the same time candidates for county offices are nominated and the ballots shall carry detailed instructions as to the number of candidates for whom each elector will be entitled to vote. In said primary election every duly qualified elector residing within said administrative school unit whether registered as a Democrat, as a Republican or as an Independent shall be entitled to vote in such nonpartisan primary.

Sec. 2. (b) In the general election of 1960 and biennially thereafter there shall be chosen by the qualified electors of the Madison-Mayodan Administrative Unit, and from the candidates nominated in the nonpartisan primary provided for in this Act, the members of the Madison-Mayodan City Board of Education to succeed the members whose terms next expire. The terms of office of members of said board of education so elected shall begin on January 2 following their election, and the terms of office of the present members of said board of education shall expire on January 2 of the years following the years originally designated for their expiration instead of at the time their successors were to be appointed by the General Assembly.

Sec. 3. When a vacancy shall occur in the membership of said city board of education by death, resignation or otherwise except by expiration of the term, a successor shall be nominated for the remainder of the unexpired term by the remaining members of said board; and such nominee shall be appointed by the Rockingham County Board of Commissioners.

Each member nominated and appointed to serve an unexpired term on said board of education shall conform to the same residence requirements as the person whose unexpired term he is appointed to fill.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1959.

1969 CHAPTER 193

AN ACT TO PROVIDE AN ELECTION OR REFERENDUM FOR CERTAIN AREAS IN ROCKINGHAM COUNTY ON THE QUESTION OF WHETHER OR NOT THEY SHALL BE ANNEXED TO THE MADISON-MAYODAN CITY ADMINISTRATIVE UNIT.

The General Assembly of North Carolina do enact:

Section 1. The area or territory, commonly known as the Huntsville School District, whose residents shall be the subject of the election or referendum hereinafter provided as to whether or not the said area shall be annexed to the territory of the Madison-Mayodan City Administrative Unit is hereby described as follows:

"Beginning at a point at the intersection of Dan River with the Rockingham-Stokes County line, thence north easterly with said river to a point west of D. W. Busicks south line, on the old Lindsey place, thence southerly with said line to the creek; thence northeasterly with said creek to the ford east of the W. R. Lindsey place; thence east with the road to the northern boundary of the Hopper Place, thence easterly with the Hopper line to 100 feet east of the Southern Railroad right-of-way; thence parallel with said railroad right of way to P. B. Neal's north line; thence with said line to Hogens Creek; thence south with Hogan's Creek to O. E. Paynes' south line; thence east with O. E. Paynes' south line to the old Baggage road now U. S. 220; thence south with U. S. 220 to the Rockingham-Guilford line; thence west with said line to the Rockingham-Stokes line; thence north with same to the beginning."

Sec. 2. Upon presentation to the Rockingham County Board of Education of a petition signed by twenty-five per cent (25%) of the qualified voters who reside in the area described above, it shall be the duty of the Rockingham County Board of Education to petition the board of County Commissioners of Rockingham County for an election on the question of whether or not the area designated above shall be annexed to the Madison-Mayodan City Administrative Unit and become a part of same and its public school system. The Board of County Commissioners of Rockingham County shall conduct and hold an election or referendum in the above designated area, for the purpose of determining if said area shall be annexed to the Madison-Mayodan City Administrative Unit. The said election shall be held according to the rules and regulations set forth in Article XIV of Chapter 115 of the General Statutes and particularly according to the rules governing elections set forth in G. S. 115-122. The ballot to be used in the above designated area shall have written or printed thereon the words: "For Annexation to the Madison-Mayodan City Administrative Unit." Likewise, there shall also be printed on the same ballot the following: "Against Annexation to the Madison-Mayodan City Administrative Unit."

The Board of County Commissioners of Rockingham County shall have the power and authority to call upon the Rockingham County Board of Elections to hold or conduct such elections or referendum if the said Board of County Commissioners decides to do so, and the expense of such elections or referendums shall be paid by the Board of County Commissioners of Rockingham County. If a majority of the qualified voters voting in the area above described shall vote in favor of the annexation, then the area shall be annexed to the Madison-Mayodan City Administrative Unit, and the residents of the area so annexed shall become a part of the Madison-Mayodan City Administrative Unit, go to its public schools and shall pay the school taxes assessed in the Madison-Mayodan City Administrative Unit, together with such other taxes as may from time to time be lawfully imposed for the use and benefit of the Madison-Mayodan City Administrative Unit. If the majority of the qualified voters in said election and the above designated area shall vote against annexation, then the status of the said area shall be the same as the status prior to the election.

Sec. 3. In the event the above-described area is annexed to the Madison-Mayodan City Administrative Unit, then all land and buildings of the Rockingham County Board of Education located within the above-described area, shall continue to be the sole property of the Rockingham County Board of Education and may be sold, exchanged or otherwise handled as the sole property of the Rockingham County Board of Education, and all personal property including books, equipment, and fixtures shall become the sole property of the Madison-Mayodan City Administrative Unit.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1969.

[Editor's Note. See Public Laws of 1899, ch. 302, for act first establishing school district in city of Maxton.]

MAXTON

1953—CHAPTER 425

AN ACT TO CREATE AND ESTABLISH THE MAXTON CITY ADMINISTRATIVE UNIT AND TO PROVIDE FOR ITS OPERATION

The General Assembly of North Carolina do enact:

Section 1. That the territory included within the bounds of Maxton Township, Robeson County, North Carolina, is hereby declared to be a City Administrative Unit within the contemplation of Section 115-8 of the General Statutes of North Carolina and the amendments thereto; and the general administration and supervision of said unit shall be under the control of a board of trustees or school commissioners, the names of which trustees and their terms of office are hereinafter set forth, and with a city superintendent as administrative officer. The children attending the schools of said City Administrative Unit shall include those within the territory served by the present Maxton School District, but the Trustees of the Maxton City Administrative Unit shall have no control or supervision of the school known as the Smiling School nor of the pupils thereof, and the supervision of said school and its pupils shall be and remain under the Board of Education of Robeson County.

Sec. 2. That the boundaries of said City Administrative Unit may be changed from time to time by the recommendation of the Robeson County Board of Education and Board of Trustees of said City Administrative Unit herein established with the approval of the State Board of Education.

Sec. 3. [The Board of Trustees of the Maxton City Administrative Unit shall be composed of five members, all of whom shall reside in the above described school district.

Amended, S.L. 1969, ch. 784

Sec. 4. The following persons shall serve as trustees until the first Monday in May, 1957, and until their successors are named and qualified, to wit: G. P. Henderson, Mrs. Marshall P. James, Mrs. R. D. Croom, Jr., Mrs. John Homer and J. D. Medlin. Their successors shall be elected by the voters of Maxton Township at the general election in November, 1956, in the same manner as the members of House of Representatives are elected, and shall be elected each four years thereafter. The unexpired term of any trustee may be filled by appointment of the remaining trustees until the next general election.]

Sec. 5. The relationship between the Maxton City Administrative Unit and the County Board of Education shall be the same as now exists between the several County Boards of Education and the several City Administrative Units within the county under the general laws applicable thereto.

Sec. 6. All funds of said Maxton City Administrative Unit shall be handled and distributed by the Maxton City Administrative Unit as provided under the pertinent General Statutes of North Carolina.

Sec. 7. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1953.

1969 CHAPTER 784

AN ACT TO PROVIDE FOR THE APPOINTMENT AND SUBSEQUENT ELECTION OF THE MEMBERS OF THE BOARD OF TRUSTEES OF THE MAXTON CITY ADMINISTRATIVE SCHOOL UNIT.

The General Assembly of North Carolina do enact:

Section 1. The following named persons are hereby appointed as members of the Board of Trustees of the Maxton City Administrative School Unit for terms expiring on the second Monday in June, 1971: Mrs. J. D. Hagler, E. B. Stanton, Robert Buchanan, Everett S. Morris, Elbert L. Jones.

Sec. 2. The Board of Trustees of the Maxton City Administrative School Unit, as created by Chapter 425, Session Laws of 1953, shall be composed of five members, who shall reside in the territory included within the administrative unit. On the first Tuesday in May, 1971, a non-partisan election shall be held in the Maxton City Administrative School Unit for the election of five (5) trustees. No primary shall be held. The five (5) candidates receiving the highest number of votes cast shall be elected. The three (3) candidates receiving the highest number of votes shall serve for a period of four years and the other two (2) candidates shall serve for a term of two years, and until their successors are elected and qualified. Should a vacancy occur for any reason, the remaining trustees shall appoint a qualified person to fill the unexpired term. [ ]

Amended,
(added)
S.L. 1971,
ch.83

Sec. 3. Chapter 300, Session Laws of 1955, and all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1969.

1971 - CHAPTER 83

AN ACT TO AUTHORIZE THE ROBESON COUNTY BOARD OF ELECTIONS TO HOLD THE ELECTION FOR THE MAXTON CITY ADMINISTRATIVE SCHOOL-UNIT TRUSTEES.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 784, Session Laws of 1969, is amended by adding at the end thereof the following:

"Any qualified voter residing in the City Administrative School Unit shall be eligible to seek election. Written notice of candidacy shall be filed with the Robeson County Board of Elections on or before April 15 preceding the election and on forms prescribed by the Board. A filing fee of five dollars ($5.00) shall be paid to the Board at the time of filing.

The election shall be held and conducted by the County Board of Elections under the same laws, rules and regulations, so far as may be applicable, which govern elections for county officers. The County Board of Elections shall use the County registration books, records, and processes in conducting the said election."

Sec. 2. Chapter 62, Session Laws of 1971 (House Bill 368) is hereby repealed.

Sec. 3. This act shall be effective upon ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1971.

[Chapter 1228, 1971 S.L. authorizing boards of education in Robeson County to enter into long-term leases, lease-backs and lease-purchase agreements is set out at the end of the local acts affecting the Lumberton City Administrative Unit]

MONROE

1897.—CHAPTER 147.

An act to establish graded schools in the town of Monroe, Union county.

The General Assembly of North Carolina do enact:

Superseded, S.L. 1971, ch. 735

SECTION 1. That all territory embraced within the corporate limits of the town of Monroe, Union county, shall be and is hereby constituted the Monroe Graded School District for the white and colored children.

Election to be held.

SEC. 2. That the commissioners of the town of Monroe are hereby required to submit to the qualified voters of the said town within sixty (60) days after the passage of this act, the question whether an annual tax shall be levied for the support of the graded schools in said town, and the said election to be governed by the regulations for electing municipal officers of said town.

Ballots.

SEC. 3. That at the election held under the provisions of this act, those favoring the levying of such tax, shall vote a written or printed ballot, without device, with the words, "For Schools" upon it, and those opposed to the levying of such tax shall vote a written or printed ballot, without device, with the words, "Against Schools" upon it.

If majority vote "For Schools," tax to be levied.

Limitation.

SEC. 4. That if a majority of the qualified voters voting, shall vote at said election in favor of levying such tax, it shall be the duty of the board of commissioners of said town, and their successors, to levy annually a special tax to support the school, not exceeding sixty (60) cents on hundred ($100.00) dollars worth of real and personal property, and other property taxed

Proviso: New election.

by the laws of North Carolina, and upon the poll not exceeding one ($1.80) dollar and eighty cents, and said taxes shall be due and collected annually by the town tax collector, as and at the time other town taxes are due and collected: *Provided*, that if the tax is not voted the board of commissioners upon the written petition of one third (⅓) of the qualified voters shall order a new election held, said election to take place at any time not within one year of the previous election.

Bonds of tax collector and treasurer.

School funds kept separate.

How paid out.

SEC. 5. That said taxes shall be paid over by the said tax collector of the said town, to the treasurer of the said town, which officer shall give bonds in such amounts as the commissioners of said town shall direct, the former for collection and the latter for the safe keeping and proper distribution of said special taxes, and other funds that may come into his hands for the use of said graded schools; and said treasurer shall keep said school funds separate and apart from all other moneys, and shall pay out the same only upon a warrant signed by the chairman and secretary of the board of trustees of the graded school of said town.

Trustees named for graded schools.

Superseded, S.L. 1967, ch. 666

[SEC. 6. That H. B. Adams, R. A. Morrow, J. C. Fletcher, W. S. Lee, S. J. Welsh, S. W. Parham and A. M. Crowell be, and they are hereby constituted, a board of trustees for the graded schools of said town. Immediately after the ratification of this act, the said board shall meet, and by lot, shall divide themselves into three (3) classes, two (2) shall hold office one (1) year, three (3) for two (2) years and two (2) for three (3) years.

Proviso: How trustees hereafter elected.

Vacancies.

Whenever the terms of office of any class shall expire as above provided, their successors shall be selected and appointed for a term of three (3) years by a joint meeting of the board of town commissioners and the board of trustees, and whenever any vacancy occurs in said board, except by expiration of the term of office the vacancy for the unexpired term of the member or members, shall be filled by said board]

Graded schools to be established.

SEC. 7. That it shall be the duty of said board to establish a graded school for the white children and one for the colored children of said town, and the said board shall use and appropriate the funds derived from the said special taxes, and all other sources, as shall be just to both white and colored races, giving each equal school facilities, due regard, however, being paid to the cost of keeping up and maintaining the graded schools of both races.

Trustees to have control of public school interests and property.

Prescribe rules and regulations.

Employ officers and teachers and fix compensation.

School census.

Proviso: Children resident in Monroe admitted free.

SEC. 8. That the board of trustees provided by this act, shall have entire and exclusive control of the public school interest and property in the town of Monroe; shall precribe rules and regulations for their own government and for the government of the schools, not inconsistent with the provisions of this act; shall employ and fix the compensation of officers and teachers of the graded schools; shall make an accurate census of the school population of the town, as required by the general school law of the State, and do all other act that may be just and lawful to conduct and manage the public school interests in said town: *Provided*, all children resident in the town of Monroe between the ages of six (6) and twenty-one (21) years shall be admitted into said schools free of tuition charges, Pay students may be admitted.

and those desiring admission into said schools as pay students, may be admitted upon such terms as the board of trustees may determine.

Public school fund apportioned to town used for graded schools.

Public school property vested in graded schools.

Proviso: If graded schools discontinued property to revert to public schools.

SEC. 9. That all public school fund derived from the State and said county for the use and benefit of the public school districts of said town, shall be paid to the said town treasurer, by the treasurer of said county, for the use and benefit of said graded schools, and the property, both real and personal, of said public school district, shall become the property of said graded schools and shall be vested in the said graded school board, in trust for said schools, and the said board may sell the same, and apply the proceeds to said graded schools: *Provided*, that in the event of a discontinuance of said graded schools, the value of all of the property thus converted to graded school purposes, shall be returned to the credit of the public school districts from which it was obtained.

Trustees to elect superintendent of schools.

Superintendent to be principal of white graded school.

Superintendent to examine applicants for teachers' positions.

And act as secretary of trustees.

SEC. 10. That the board of trustees created under the provisions of this act, shall elect annually, at their regular meeting in the month of May, a superintendent of schools established under this act, who shall be principal of the graded schools for the white children, if the same shall be established, and the said superintendent shall examine all applicants for teachers positions in the said schools, and issue certificates to the same, which certificates shall be valid for one year, from the date thereof, and shall act as secretary of said board of trustees and do and perform such other duties as may be prescribed by the board of trustees.

Trustees to report annually.

SEC. 11. That it shall be the duty of said board of trustees to make annually a full and complete report of the operations of said graded schools, together with such reports as are required by the general law from school commissioners, to the mayor and commissioners of said town.

Trustees may require incidental fee from pupils.

SEC. 12. That the board of trustees may, if it is found necessary to maintain the schools, require from all pupils an incidental fee of two dollars and fifty cents, payable as the board may direct.

Trustees may fix curriculum and adopt text books.

Proviso: Course may be enlarged.

SEC. 13. That the said board are hereby given the power to fix a curriculum and adopt text books for a period not exceeding five years, nor less than three years: *Provided*, that classes may be arranged, and tuition charged for studies beyond the prescribed course.

Trustees incorporated.

Corporate name.

Corporate powers.

How conveyances made to trustees.

How deeds by trustees executed.

SEC. 14. The board of trustees hereby created, shall be a body corporate by the name and style of "The board of School Trustees of the town of Monroe, Union County," and by that name, shall be capable of receiving gifts and grants; of leasing property; of purchasing and holding real and personal estate; of selling, mortgaging, and transferring the same for school purposes; of prosecuting and defending suits for or against the corporation hereby created; conveyances to said board shall be to them and their successors in office, and all deeds, mortgages or other agreements, affecting real estate, shall be deemed sufficiently executed, when signed by the chairman, one member of the board, and the secretary thereof, and the seal of the cor-

Corporate seal. poration affixed thereto. The corporation shall have a corporate seal, which it may break or alter at pleasure.

Sec. 15. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 16. This act shall be in force from and after its ratification.

Ratified the 25th day of February, A. D. 1897.

1967 CHAPTER 666

AN ACT TO PROVIDE FOR THE ELECTION OF THE MONROE CITY SCHOOL BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. The Monroe City School Board of Education shall consist of seven members who shall be elected as herein provided. The terms of office of James Huntley, J. C. Plyler, Ralph Owen and A. J. Helmes, members of the present Monroe City School Board, which expire on December 2, 1968, are hereby extended to July 1, 1969. The terms of office of Fred Parker, Bill McInnis and Jack Hernig, members of the present Monroe City School Board, which expire on December 7, 1970, are hereby extended to July 1, 1971.

Sec. 2. On the third Saturday in February, 1969, the Monroe City School Board of Education may hold and conduct an election under the rules and regulations provided by the general election laws of the State for four members of the Monroe City School Board who shall serve for terms of four years each. All persons elected as members of said Board shall serve until their successors are elected and qualified and shall be elected thereafter as their terms of office expire.

Sec. 3. The Monroe City School Board of Education may appoint all necessary election officials, establish precincts, prepare and establish registration records and do any and all things necessary for the conduct of said election which could be done and performed by a county board of elections under the general election laws as contained in Chapter 163 of the General Statutes. In lieu of conducting its own election for the members of the Monroe City School Board of Education, the said Monroe City School Board of Education may contract with and may authorize the Board of Elections of Union County to conduct said election for the members of its Board of Education and may adopt and use the election officials of the county, the county's registration books and may prepare any additional registration that may be necessary by reason of the boundaries of the Monroe City Administrative Unit. The Monroe City Board of Education is authorized to pay all necessary expenses and charges for the conduct of said election whether same is conducted by the Board of Elections of Union County or by the Monroe City Board of Education.

Amended,
S.L. 1969
ch. 74

Sec. 4. All candidates shall file for office by 6:00 p.m. on or before the sixth [Saturday] before the date on which the election is to be held and each candidate shall pay a filing fee of five dollars ($5.00). Such filing shall be with the Clerk of the City of Monroe. The names of all persons filing for membership on the Monroe City School Board of Education shall be placed on a ballot without party designation and said election shall be on a nonpartisan basis.

Sec. 5. In the election held in 1969, the four persons receiving the highest number of votes shall be declared elected and no person shall be entitled to call for a second election. All persons elected at the election held in 1969 shall take office on July 1, 1969 and shall serve for terms of four years or until their successors are elected and qualified.

Sec. 6. On the third Saturday in February, 1971, there shall be held an election for three members of the Monroe City School Board of Education. Said election shall be conducted as herein provided for the election of members to said Board to be held in 1969. All persons elected at the election held in 1971 shall take office on July 1, 1971 and shall serve for terms of four years or until their successors are elected and qualified.

Sec. 7. Biennially after February, 1971, there shall be held an election for the four or three vacancies, as the case may be, occurring on said Board. All persons elected shall serve for terms of four years or until their successors are elected and qualified. The elections shall be conducted as herein provided for the election to be held in 1969. Persons so elected shall take office on July 1 of the year in which elected.

Sec. 8. Any vacancy occurring on the present Monroe City School Board of Education, or on any subsequent Board, by death, resignation, or otherwise, including removal from the City Administrative Unit, shall be filled by the remaining members of the Board and the person so chosen shall fill and serve out the unexpired term and until his successor shall be elected and qualified.

Sec. 9. The members of the Monroe City School Board shall elect one of its members as chairman who shall serve for a term of two years. The chairman shall be elected at the first meeting held in July following the election of members to the Monroe City School Board beginning with the first meeting held after July 1, 1969.

Sec. 10. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1967.

1969 CHAPTER 74

AN ACT TO AMEND CHAPTER 666 OF THE SESSION LAWS OF 1967 TO CHANGE THE CLOSING FILING DATE FROM SATURDAY TO FRIDAY FOR CANDIDATES FOR THE MONROE CITY SCHOOL BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 666 of the Session Laws of 1967 is hereby amended by striking out the word "Saturday" immediately following the word "sixth" in line 2 and inserting the word "Friday" in lieu thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1969.

1971 - CHAPTER 735

AN ACT TO AMEND CHAPTER 147 OF THE PUBLIC LAWS OF 1897 TO ESTABLISH THE BOUNDARIES OF THE MONROE CITY SCHOOL ADMINISTRATIVE UNIT AND TO PROVIDE FOR AN AUTOMATIC EXTENSION OF THOSE BOUNDARIES UPON EXTENSION OF THE CORPORATE LIMITS OF THE CITY OF MONROE.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 147 of the Public Laws of 1897 is hereby rewritten to read as follows:

"Section 1(a).—The corporate boundaries of the Monroe City School Administrative Unit, which includes all of the territory within the corporate limits of the City of Monroe, Union County, North Carolina, are set out below:

BEGINNING at the intersection of Bearskin Creek and the Willoughby Road so as to include F. H. Wolf's farm, and following thence the boundary between the property of F. H. Wolfe and J. C. Winchester to H. B. Clark's land; thence following the boundary lines between H. B. Clark's land and the County Home property to the Old Waxhaw Road; thence, with said road to the point of its intersection with the Seaboard Airline Railway near the R. B. Redwine property; thence, to the West line of the old R. B. Redwine land on the line of J. E. Stewart's property; thence, following the line between the R. B. Redwine property and C. D. Roberts on one side and J. E. Stewart and M. Chatham on the other side, so as to include the Redwine and Roberts' property to the Lancaster Road; thence, West with said road to Andrew Lee's line; thence, following the the line between the Stewart property, John Vann, T. P. Smith, Robert Cunningham, Secrest and Williams, Gibson, C. A. Slagle, and J. E. Efird on one side and Andrew Lee, J. L. Winchester, Middleton and Redfern, H. D. Browning, Oscar Moore, and M. S. A. Broom on the other side, so as to include Stewart, Vann, Smith, Cunningham, Secrest and Williams, Gibson, Slagle, and J. E. Efird to Richardson's Creek; thence, down Richardson Creek and following its various courses to Highway 74 down Highway 74 East to a point in the center of U. S. Highway No. 74 (from this point the boundary description will circle back to include the Knollwood section which came into the Monroe City School District dated September 8, 1965, and when the line gets back to Richardson Creek to Highway 74, the district description will pick up again and retrace Highway 74 East as formerly described and on to Biven's Road #1763) said point being the North East corner of Lot No. 1 of the Knollwood Subdivision and running thence with the various lines of said subdivision and the Julian McLarty property two calls as follows: *1st.* South 4 deg. 34 min. 20 sec. East 366.12 ft. to an iron; *2nd.* South 41 deg. 54 min. 30 sec. East 383.46 ft. to an iron; thence with the Julian McLarty and Houston Pressley line South 3 deg. 03 min. 10 sec. East 427.95 ft. to an iron stake; thence with four of Houston Pressley's lines as follows: *1st.* South 69 degrees 52 min. West 156.44 ft. to a White Oak; *2nd.* South 56 deg. 48 min. West 98.44 ft. to an iron stake; *3rd.* North 86 deg. 38 min. West 173.76 ft. to an iron; *4th.* North 12 deg. 30 min. West 137.55 ft. to a stone; thence with the four calls of E. K. McLarty property as follows: *1st.* South 83 deg. 25 min. 40 sec. West 174.61 ft. to a Spanish Oak; *2nd.* North 48 deg. 49 min 40 sec. West 599.48 ft. to an iron by a Hickory; *3rd.* South 85 deg. 07 min. West 520 ft. to a large Sweet Gum; *4th.* South 54 degrees 45 min. West 765 ft. to an iron stake on the East bank of Richardson Creek a corner of the present Monroe Special School District; thence, along and with Richardson Creek North 28 deg. West approximately 560 ft. to a point in the center of U. S. Highway 74; thence with the center line of U. S. Highway No. 74 about North 73 deg. 45 min. East to the point of BEGINNING; thence along U. S. Highway No. 74 to W. H. Presson's and Courtney Nash's corner and runs South 55 deg. West 559 ft. to a stone in the South side of Old Highway No. 74 to about the center of New U. S. Highway No. 74; thence, with the center line of said road to the intersection of Biven's Road; thence, with Biven's Road North to the center of the Seaboard Coast Line Railroad; thence, following the center of right-of-way of the Seaboard Coast Line Railroad (the Bruce Simpson property) in an Easterly direction approximately 2643 ft., thence, with the John L. Williams' line and generally with the Nelson Branch Northerly to the Northeast corner of the Simpson lands on G. F. Mason, then with the Mason line North 69 deg. 25 min. West 1948.8 ft. to a point in Biven's Road; thence, along and with Biven's Road Southerly to its intersection with Stitt Street; thence, along and with Stitt Street Westerly to the intersection of Stitt Street and Joe's Branch; thence, Northerly along Joe's Branch to the Southeast corner of the Monroe Combining tract; thence, with the Southern boundary of Monroe Combining Easterly 1284 ft. to the Southeast corner of Monroe Combining; thence, with the East Boundary of Monroe Combining and Bruce Simpson in a Northerly direction to the Urban Hills Development tract; thence, Northeast along the Urban Hills Development tract to its Southeast corner; thence, its Eastern boundary to the center of Ansonville Road; thence, following the center line of Ansonville Road in a Southwest direction to the intersection of Ansonville Road and Mason Street; thence, along and with the center line of Mason Street first Southerly then in a Southwest direction to the intersection of Mason Street and Joe's Branch; thence, following the city line down Joe's Branch to Richardson Creek; thence, South and West follow course of Richardson Creek to a point at Vann Secrest property line; thence, with the Eastern boundary line of the V. V. Secrest property, and including said property, to the Olive Branch Road; thence, crossing said road and with the Eastern property lines of the property of M. R. Baucom, Mrs. Cyrus Edwards, Brice Baucom, the C. H. Sell Estate Lands, W. Vance Dean, Fairley Taylor, Eustace Taylor and Fred Craig and including said property to Stewarts Creek; thence, crossing said creek, and with the Eastern and Northern boundary lines of the property of George Taylor, and including said property, to N. C. Highway #200; thence, in a Southerly direction with N. C. Highway #200 back to Stewarts Creek; thence up and with the various courses of Stewarts Creek to N. C. Highway #601; thence, up and with the various courses of the East prong of Stewarts Creek in a Northerly direction, to Connell Public Road; thence, with the Northern and Western boundary lines of the property of Bruce Secrest, and including said property, to the Northwest corner of the property of W. D. Carroll; thence with the Western boundary lines of the property of W. D. Carroll and including said property, to a line of the Rowena Shute property; thence, with the Eastern boundary lines of the property of Rowena Shute, but not including her property, to the Western line of the Eli Crook Estate property; thence, with the Northwestern lines of the Eli Crook Estate property; and including said property, crossing the Roosevelt Boulevard to the Northwestern boundary line of the Parks Williams property; thence with the Northwestern boundary lines of the Parks Williams property, and including said property, to the old U. S. Highway #74; thence crossing said highway, and the Seaboard Railroad, and with the Northwestern boundary lines of the property of W. H. Smith and Edward Nash, and including their property, to the Gold Mine Road; thence crossing the Gold Mine Road and running with the Western boundary lines of the property of R. C. Williams and including this property, to Bear Skin Creek; thence down and with the various courses of Bear

Skin Creek to the BEGINNING; and including the following annexed property known as Griffith Park South: BEGINNING at a point in the center of Griffith Road, said point being indicated by an iron stake, a corner of the George Broome lands, and running thence with the center of Griffith Road, North 0-30 West 309.5 feet to a point in the center of said Road, again indicated by an iron stake in the east margin thereof; thence, North 78-15 East 426 feet to an iron stake, a corner on George Broome; thence two lines of the George Broome lands; *1st.* South 10-45 East 284 ft. to an iron stake; *2nd.* South 67-15 West 511.5 feet to the point and place of BEGINNING, and containing 3.41 acres, more or less, according to a survey by T. C. Dove, RLS, on July 9, 1960, and being the lands of William O. and Suzanne M. Hinson.

Second Tract: BEGINNING at a point in the center of Griffith Road, the corner of Jack R. Lindsay and runs thence South 77 West 195 ft.; thence South 49-15 West 187 ft.; thence, South 60-30 West 242 ft. to a point of George Broome; thence with George Broome and Ralph Baker, North 87-45 West 1,212 ft. to a corner of Ralph Baker, thence with Baker's line North 59-15 East 1,518 ft. to an iron, a corner of J. C. Lemmond; thence with the Lemmond property 2 lines: *1st.* South 1-30 East 136 ft.; *2nd.* North 88-30 East 484 ft. to a point in the center of Griffith Road (and adjoining the Hinson lands above); thence with the center line of Griffith Road, South 1 West 506 ft. to the point and place of BEGINNING, and being the property subdivided and known as "Griffith Park South", consisting of 31 lots and dedicated streets lying and being in Monroe Township, Union County, North Carolina, as developed by W. L. Carter; and including the following annexed property: BEGINNING at a point in the center of the Helms Road, being the southwestern corner of the 42 acre tract heretofore petitioned under the date of July 10, 1970, and runs thence with the Helms Road, the center line being the course, and with a line of said 42 acre tract, 570 ft., more or less, to a corner of the property conveyed to Beaver Dam Swim Club, Inc.; thence with a line of said tract South 6 deg. 45 min. West 846 ft. to an iron stake, thence South 59 degrees 15 min. West 706 ft. to an old corner; thence with an old line North 6 degrees 30 min. East 1320 ft., more or less to the point of BEGINNING and being all of the remaining portion of those two tracts conveyed to the petitioners by S. M. Cox, et ux, et al, by deeds recorded in Book 200, pages 265 and 266, Union County Registry; and including the following annexed property to the above described territory and known as Carmel Village: BEGINNING at an iron, a common corner of the property herein described, that certain property known as "Forest Hills" and the property of Bruce Walters, and running thence from said beginning point on and with said Walters' line, North 37 deg. 16 min. West 697.2 ft. to an iron; thence, South 35 deg. 14 min. West 1120.3 ft.; thence North 5 deg. 01 min. West 1843.5 ft.; thence North 60 deg. 14 min. East 691 ft.; thence North 39 deg. 59 min. East 448 ft.; thence, North 28 deg. 46 min. West 567 ft. to a point in the southerly edge of N. C. Highway No. 200; thence along and with the southerly edge of said Highway, North 53 degrees 10 min. East 927 ft. to a point in said line, a corner of the property of Lakeland Memorial park; thence, along and with the westerly line of Lakeland Memorial Park, South 42 deg. 30 min. East approximately 1700 feet to an iron; thence South 31 deg. 50 min. West approximately 1990 ft. to the point of place of BEGINNING and being known as "Carmel Village"; SAVE AND EXCEPT FROM THE PROPERTY ABOVE DESCRIBED THE FOLLOWING PARCELS: The property heretofore conveyed to Catawba Oil Company, Inc. and Duford Lawrence, said property being bounded on the North by N. C. Highway No. 200, on the East by Lakeland Memorial Park, and on the south and west by Carmel Village; and also including the following property annexed to the above described territory and known as "Country Club Estates", located in the area known as "Rolling Hills Country Club", being all of Lots Nos. 1 through 96, excepting Lot No. 92, as shown on the plat of said Subdivision recorded in Map Book 5, at Page 20, of the Union County Register of Deeds Office in Monroe, North Carolina.

"Section 1(b).—All property in the territory comprised within the corporate boundaries of the Monroe City School Administrative Unit as set out above, shall be subject to all taxes levied for the Monroe City School Administrative Unit for the fiscal year beginning on July 1, 1971.

"Section 1(c).—All annexations to the corporate boundaries of the City of Monroe after July 1, 1971, automatically extend the boundaries of the Monroe City School Administrative Unit to include the territory newly annexed by the City of Monroe. In the event of such an annexation, all property situated in the newly annexed territory shall be subject to taxes levied for the Monroe City School Administrative Unit for the fiscal year immediately following the date of annexation and for ensuing fiscal years."

Sec. 2. All laws and clauses of laws in conflict with this act are repealed.

Sec. 3. This act shall become effective on June 30, 1971.

In the General Assembly read three times and ratified, this the 2nd day of July, 1971.

MOORESVILLE

1905—Chapter 556.

AN ACT TO ESTABLISH THE MOORESVILLE GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Boundaries.

Section 1. That all the territory embraced within the corporate limits of the town of Mooresville, Iredell County, and all that portion of Iredell County contiguous thereto embraced in the following boundaries: Beginning at the Davidson Township line near John Honeycutt's, thence to John Honeycutt's house; thence to the public road two hundred yards north of E. W. Brawley's tenant-house, where J. P. Howell now lives; thence to Barringer Township line at David Oliphant's; thence with boundary line of District Number Three, known as Oak Grove District; thence with Linwood District Number Five, to the line of Hickory Hill District; thence with Hickory Hill District Number Four to Mount Mourne District Number One, Davidson Township; thence with said line to Davidson Township line; thence with said line to the beginning shall be and is hereby constituted a school district for white and colored children, to be known as "The Mooresville Graded School District."

Election on school tax.

Sec. 2. The Commissioners of the town of Mooresville may submit to the qualified voters of the said territory, at the same time an election is held for a bond issue, under the act of this General Assembly for municipal improvements, whether an annual tax shall be levied for the support of the public schools in the said territory above mentioned: *Provided*, that the said commissioners shall call an election at any time when one-fourth of the freeholders of said territory petition for the same. The elections provided for in this act shall be held and conducted by the same

Proviso: election on petition.

How election conducted.

Returns.
Separate box.
Form of ballots.
Proviso: subsequent elections.

registrars and judges of an election for issuing bonds for municipal improvements, but said registrars shall make out other registration books containing the names of all qualified voters residing within the territory described in section one of this act. The returns shall be made, counted and the result declared in like manner as in said election, but a separate book shall be provided for the election provided for in this act, and the voters in this election shall vote on a separate ballot from that on which they vote in the box for the other bonds. Those who favor establishing the schools and issuing the bonds for the necessary buildings and levying the necessary tax for the maintenance of the schools, and the payment of the interest on the said bonds, shall vote a ballot on which shall be written or printed the words "For Schools," and those who are opposed thereto shall vote a ballot on which shall be written or printed the words "Against Schools." If a majority of the votes cast by the qualified voters of said election shall be "For Schools," it shall be deemed and held that a majority of the qualified voters of the said graded school district are in favor of granting to the board of trustees hereinafter provided for to issue such bonds and to said board of trustees of said graded school district authority to levy such special tax; but if a majority of the votes cast by the qualified voters at said election shall be "Against Schools," then the said board of trustees of said graded school district shall not have such authority: *Provided*, that if a majority of said votes so cast shall not be in favor of issuing bonds and levying such tax, said board of trustees shall order another election at any time when advisable to do so, and if at such election a majority of the qualified votes cast shall be "For Schools" it shall have the same force and effect as if no election had been previously held.

Taxes levied and collected.

Amended, S.L. 1947, ch. 147

SEC. 3. That the taxes levied and collected for graded school purposes under this act shall be governed by the laws for the levy and collection of municipal taxes for the town of Mooresville. The list-taker appointed by the town commissioners to list the taxable property of the town shall also list the taxable property within the above-described school district upon separate scrolls and [make out receipts for the taxes provided under this act upon [separate books]

Bonds issued.
Amount.
Interest.

SEC. 4. That the board of graded school trustees hereinafter provided for shall be and are hereby authorized and empowered to issue bonds of said graded school district to an amount not exceeding ten thousand dollars, of such denomination and of such proportions as said board of trustees may deem advisable, bearing interest from date thereof at a rate not exceeding five per centum, with interest coupons attached, payable annually at such time or times and at such place or places as may be deemed advisable by said board of trustees; such bonds to be of such form and tenor and transferable in such way and the principal thereof payable or redeemable at such time or times, not exceeding thirty years from the date thereof, and at such place or places as said board of trustees may determine.

Appropriation of proceeds.

SEC. 5. That the proceeds arising from the sale of said bonds, or of such part thereof as may be necessary, shall be expended by said board of trustees in providing, by purchase or otherwise, such graded school sites and buildings as may be necessary and furnishing the same with necessary equipment.

Bonds not to be sold below par.

SEC. 6. That said bonds shall not be sold, hypothecated or otherwise disposed of for less than their par value, nor shall said bonds or their proceeds be used for any purpose other than the purpose mentioned in section two of this act.

Special tax.

Tax limit.

SEC. 7. That for the purpose of providing for the payment of said bonds and the interest thereon, and of defraying the expenses of the public graded school provided for in this act, the board of trustees shall, on the first Monday of June, beginning next after the adoption of this act by a majority of the voters of said district, and annually thereafter, levy and lay a special tax on all persons and property subject to taxation within the limits of said graded school district on which said board of graded school trustees may now or hereafter be authorized to lay and levy taxes for any school purposes; said special tax not to exceed thirty-three and one-third cents on the one hundred dollars assessed valuation of property and not more than one dollar on each taxable poll.

How tax collected.

Amended,
Pr. L 1909,
ch. 170

Town treasurer to keep school fund.

Proviso: treasurer's bond.

SEC. 8. That said taxes shall be collected by the tax collector of the town of Mooresville at the time and in the manner that the town taxes are collected, and full power and authority for this purpose is hereby conferred upon said tax collector, and that said tax collector shall faithfully collect, keep and turn over to the secretary and treasurer all such moneys as he collects for the use of said graded schools. He shall take receipts from the secretary and treasurer for all moneys paid him, which receipts shall be his legal vouchers in settlements with the board of trustees. He shall give such bond for the faithful performance of his duties as said board of trustees require. The secretary and treasurer shall faithfully and safely keep such moneys as may come into his hands for the use of said graded school, and shall pay out only upon the order of the board of trustees and warrant of the chairman of said board of trustees: *Provided*, that said secretary and treasurer shall enter into a good and sufficient bond in such amount as said board of graded school trustees may direct, conditioned for the faithful keeping and disbursing of said taxes and other funds that may come into his hands for the use and benefit of said graded schools.

Trustees named.

Terms of office.

Proviso: vacancies.

SEC. 9. That the following persons shall constitute the board of trustees of said graded school: J. P. Mills, B. A. Troutman, T. B. Smith, M. W. White and W. C. Johnston. The first three shall hold office from the ratification of this act till the general election for municipal officers for the town of Mooresville in one thousand nine hundred and seven, at which general election the successors of the first class shall be elected for a term of four years. The second two shall hold office from the ratification of this act till the general election for municipal officers for the town of Mooresville in one thousand nine hundred and nine, at which general election their successors shall be elected for a term of four years; and at each general election thereafter, as the terms of office shall expire (in classes one and two, respectively), the vacancies shall be filled at like times and in like manner as the above: *Provided*, that said board of trustees shall have power to fill any vacancy that may occur, by resignation or death, for any unexpired term caused by such resignation or death, and it is enacted that the provisions of section two of this act shall be and are hereby extended to the election of the members of the aforesaid board of trustees.

Trustees incorporated.

Corporate name.

SEC. 10. That the said board of graded school trustees and their successors shall be and are hereby constituted a body corporate by the name and style of "The Board of Graded School Trustees of Mooresville," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire, by gift, purchase or devise, real and personal property, hold, exchange, mortgage or sell the same and exercise such other rights and privileges as are incident to other corporations, and may have a corporate seal.

Trustees to establish schools.

SEC. 11. The board of graded school trustees may establish graded public schools for the white and colored children of said graded school district, and said board of trustees shall appropriate and use the funds derived from special taxes and from other sources in such manner as they may deem just to both races.

Trustees to have exclusive control.

SEC. 12. That said board of trustees shall have exclusive control of all public schools in said district, free from the supervision and control of the county school authorities; shall prescribe rules and regulations for the government of such schools; shall prescribe the qualifications, employ and fix the compensation of all officers and teachers of such schools; shall cause to be taken, in accordance with the general school law of the State, an accurate census of the school population of said graded school district, and shall exercise such other powers as may be necessary for the successful control and operation of said schools.

School census.

Organization.

SEC. 13. That said board of trustees, upon the adoption of this act, shall immediately meet and organize by electing a chairman and a secretary and treasurer and adopting such rules and regulations as to them may seem proper.

Present school authorities to be continued.

SEC. 14. That the school authorities as at present constituted shall carry on the schools in said graded school district until the graded schools as provided in this act shall be established by said board of trustees.

School to have quota of county school fund.

SEC. 15. That immediately upon the establishment of the graded schools provided for in this act the Treasurer of Iredell County shall pay over to the secretary and treasurer of said board of trustees, when sufficient bond has been fixed, all school funds which may then be in his hands belonging to the present school district included within said graded school district.

State school fund.

SEC. 16. That all public school funds derived from the State and from the county of Iredell for the use and benefit of the public schools in said graded school district shall be paid over to the secretary and treasurer of said board of trustees by the treasurer of said county for the use and benefit of the graded public schools in said graded school district; and the property, both real and personal, of the public school districts embraced within the limits of said graded school district shall become the property of said graded school district, and the title thereto shall be vested in said board of trustees in trust therefor; and said board of trustees may in their discretion sell the same, or any part thereof, and apply the proceeds to the use of the schools to be established under authority of this act.

Public school property transferred to graded school.

Text-books.

SEC. 17. That said board of trustees may adopt the text-books for said schools as are recommended by the State Board of Education, and fix the rate of tuition to be charged therefor; admit pupils residing without the limits of said district upon such terms as said board may deem reasonable: *Provided*, that there shall be accommodations more than adequate for the children of school age within said district.

Superintendent.

SEC. 18. That said board of trustees shall elect a superintendent, who shall supervise said graded schools and exercise such other power and discharge such other duties as said board of trustees may prescribe, subject to removal at the discretion of said board of trustees.

Statements to be published.

SEC. 19. That the board of trustees shall publish in the graded school district an annual itemized statement of the receipts and expenditures on account of and for the said graded schools.

School funds appropriated per capita.

SEC. 20. That the school authorities having authority under the general school law of the State shall, in the apportionment of all public school funds to said graded school district, apportion the same upon a per capita basis.

Conflicting laws repealed.

SEC. 21. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 22. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1905.

1909—CHAPTER 170

AN ACT TO AMEND CHAPTER 556 OF THE PUBLIC LAWS OF 1905, PROVIDING FOR THE BETTER ADMINISTRATION OF THE MOORESVILLE GRADED SCHOOLS.

The General Assembly of North Carolina do enact:

Employment of town tax collector optional.

SECTION 1. That section eight of chapter five hundred and fifty-six of the Public Laws of one thousand nine hundred and five be amended by striking out the word "shall," in line one thereof, and inserting the word "may" in lieu thereof.

Powers of school-tax collector.

SEC. 2. In the event the board of trustees of the Mooresville Graded-school District elect a tax collector for said district other than the tax collector for the town of Mooresville, the said tax collector so elected shall have all powers that are conferred by section eight of chapter five hundred and fifty-six of the Public Laws of one thousand nine hundred and five upon the tax collector for the town of Mooresville, and the said board of trustees, as aforesaid, are hereby empowered to either employ the regular tax collector for the town of Mooresville or some other competent person, as may appear to the best interest of the said school district, to collect the taxes thereof.

Power to trustees.

When act effective.

SEC. 3. This act shall be in force from and after September first, one thousand nine hundred and nine.

Ratified this the 26th day of February, A. D. 1909.

1947—CHAPTER 127

AN ACT TO AMEND CHAPTER 556 OF THE PUBLIC LAWS OF 1905 RELATING TO THE MOORESVILLE GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 3 of Chapter 556 of the Public Laws of 1905 be amended as follows:

Ch. 556, Public Laws, 1905, relating to Mooresville Graded School District, amended.

Add the word "may" between the words "and" and "make" in line six of said Section; and by striking out the words "separate books" in line seven of said Section and inserting in lieu thereof "the same book."

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1947.

MOUNT AIRY

1895 —CHAPTER 2.

An act to amend the charter of the town of Mount Airy, North Carolina, and to establish a system of graded schools therein.

The General Assembly of North Carolina do enact:

SECTION 1. That section forty-six of chapter three hundred and four of the private laws of one thousand eight hundred and ninety-one (1891), be amended as follows: That after the word "ordinance," in line three, strike out all down to the word "submitting," in line four.

Section 46, chapter 304, private laws of 1891, amended. Ordinance need be passed at one meeting only.

SEC. 2. That after section forty-eight of chapter three hundred and four of the private laws of one thousand eight hundred and ninety-one (1891) add the following:

Said law further amended by adding after section 48.

SEC. 3. That the board of commissioners of the town of Mount Airy shall and they are hereby authorized to submit to the qualified voters of said town under such rules and regulations, on the first Monday in May, one thousand eight hundred and ninety five (1895), as the said commissioners may prescribe, whether a tax shall be annually levied therein for the support of the schools in said town, provided for by this act: *Provided*, that the money necessary to be expended in the purchase of lands in the town of Mount Airy and the erection thereon of suitable buildings and improvements and furnishing the same with necessary equipments and furniture for the accommodation of the public schools of the town of Mount Airy, shall only be raised by issuing the bonds of the town as hereinafter provided for. At the election held under the provisions of this act those who favor the levying of such annual tax and issuing the bonds hereinafter provided for, shall vote on written or printed ballots, without device, the words "For school and bonds;" and those who are opposed to the levying of such annual tax, and the issuing of such bonds as hereinafter pro-

Commissioners authorized to submit on May 1, 1895, the question of annual taxation for schools of Mount Airy.

Proviso as to means of raising money for said schools.

Details of election on school subscription.

vided for, shall vote on written or printed ballots, without device, the words, "Against school and bonds." The penalties for illegal and fraudulent voting in this election shall be the same as in election for members of the General Assembly. The commissioners shall give thirty days' notice of the time of holding said election in a newspaper published in the town.

Said tax to be levied if a majority of the qualified voters vote in favor of it.

Tax to be levied and collected as other town taxes.

Said tax not to exceed fifty cents on the $100 of property, and one dollar and fifty cents on the poll.

Said taxes to be expended exclusively for school purposes. Commissioners may establish one or more graded schools.

SEC. 4. The inspectors of said election shall, on the day following, certify the number of votes cast and counted for and against "School and bonds" to the commissioners of said town, who shall proceed to declare at once the result of the election, and if a majority of the qualified voters shall vote in favor of such annual tax and the issuing of such bonds the annual tax shall be levied and collected by the town authorities under the same rules and regulations under which other town taxes are levied and collected, and the tax collector shall be subject to the same liabilities for the collection and disbursement of said tax as he is or may be for other town taxes: *Provided*, the special annual taxes so levied shall not exceed fifty cents on the one hundred dollars valuation of property and one dollar and fifty cents on the poll. The annual taxes levied and collected under the provisions of this act shall be applied exclusively to the support and maintenance of the public schools in the town of Mount Airy. The issuing of bonds and the collection of taxes to pay them shall be regulated as hereinafter provided. The school committee whose appointment is hereinafter provided for may establish one or more graded schools in the town of Mount Airy, and all the taxes levied and collected under this act shall not be appropriated or expended for any other purpose.

Mount Airy to constitute a school district for both races.

SEC. 5. For the purposes and benefits of this act the town of Mount Airy shall be and constitute a public school district for both white and colored.

Section 6 rewritten by ch.4 §5, S.L. 1955

Powers and duties of school committee.

Proviso. All children between the ages of 6 and 21 years must be admitted. Proviso. Persons outside of corporation to pay tuition.

SEC. 7. That the school committee provided for by this act shall have entire and exclusive control of the public school interests and property of the town of Mount Airy; shall prescribe rules and regulations for their own government not inconsistent with the provisions of this act; shall employ and fix the compensation of officers and teachers of the public school or graded public school annually, subject to removal by the said committee ; shall make an accurate census of the school population of the town as required by the general school law of the State, and do all other acts that may be just and lawful to conduct and manage the public school interests in said town: *Provided*, all the children resident in the town of Mount Airy between the ages of six and twenty-one years shall be admitted into the said school free of tuition charges: *Provided*, persons living beyond the limits of the corporation may attend the schools from their home or as boarders on the payment of tuition fees to be fixed by the school committee.

Superintendent may be elected. His duties.

SEC. 8. The school committee created by this act may elect annually a superintendent for the schools established under this act, who shall be the principal of the graded school for whites if the same shall be established. The said superintendent shall [examine] all applicants for teachers' positions in said school, and issue certificates to the same, and shall do and perform such other duties as may be prescribed by the said school committee.

Application of public school funds.

Treasurer of said town to be treasurer for said committee.

Treasurer to furnish annual report to commissioners.

Proviso.

SEC. 9. The moneys which shall from time to time be apportioned under the general school law of the state to the public school districts or portions of districts embraced in the corporation limits of the town; and any moneys to which the said district or portion of district may be entitled by reason of any special tax, gift, grant, apportionment or otherwise, shall be received by the treasurer of the town of Mount Airy, who shall be *ex officio* treasurer of said school committee, and whose receipt for such moneys shall constitute a sufficient voucher of such payment in the hands of any person paying the same, and the said treasurer shall report monthly to the said school committee his receipts and disbursements, with all vouchers for the same. The moneys received as aforesaid shall be held by the treasurer as a separate fund to be disposed of under the direction of the aforesaid school committee, whose warrants, signed by the chairman, and countersigned by the secretary of said committee, shall be the only valid voucher in the hands of the said treasurer for the disbursement of said moneys in any settlement required of him by the law. The said treasurer shall furnish annually to the board of commissioners a statement in writing of his receipts and disbursements of the school money, properly and duly audited and approved by the chairman and secretary of the school committee. *Provided*, the accounts, books and vouchers of the said treasurer shall be open for the inspection of the said school committee at any time.

Bond of treasurer.

Compensation.

SEC. 10. The bond now required of the treasurer of the town, to protect public funds of the town in his hands, shall be an amount sufficient to include double the amount received under this act independent of the amount to secure other funds, which may come into his hands. The said treasurer shall receive as compensation a commission of two per centum on the funds received from the taxes levied and collected under this act and disbursed.

Apportionment between the white and colored

SEC. 11. The school committee provided by this act shall apportion the money raised or received for educational purposes in the town of Mount Airy as shall be just to the white and colored races, without discrimination in favor of or to the prejudice of either race, due regard being paid to the cost of keeping up and maintaining the public schools of both races.

Annual report to be made by school committee.

SEC. 12. That the said committee shall make to the board of commissioners annually, at such time as is required under the school law of the state, a report containing an accurate census of the school population of the town, showing the work done and money expended under their direction in the town of Mount Airy on account of public schools therein; a copy of which report shall be forwarded to the superintendent of public instruction in the state, and a copy to the superintendent of public instruction in the county of Surry. The beginning and ending of the school year shall be fixed by the committee.

Committee to be a body corporate.
Name of corporation.
Corporate powers.

SEC. 13. The school committee hereby created shall be a body corporate by the name and style of "The School Committee of the Town of Mount Airy," and by that name shall be capable of receiving gifts and grants, of purchasing and holding real and personal estate; of selling, mortgaging and transferring the same for school purposes; of prosecuting and defending suits for or against the corporation hereby created. Conveyance to said school shall be to them and their successors in office; and all deeds, mortgages and other agree-

Corporate seal.

ments affecting real estate shall be deemed sufficiently executed when signed by the chairman and secretary thereof and the seal of the corporation affixed thereto. The corporation shall have a corporate seal, which it may break or change at pleasure.

Commissioners may issue bonds not to exceed $15,000.

Particulars as to said bonds.

Proviso.

Bonds, how signed.

Record of said bonds to be kept.

SEC. 14. That the commissioners of the town of Mount Airy be and the same are hereby authorized to issue coupon bonds of the town of Mount Airy not to exceed in amount the sum of fifteen thousand dollars ($15,000) and in denominations of not less than one hundred dollars nor more than one thousand dollars, bearing interest from date of bonds at a rate not to exceed six per centum (6 per cent.) per annum and payable semi-annually on the first day of January and the first day of July of each year until said bonds are paid; that the said bonds shall be made payable at a time to be fixed by the said commissioners and named therein, not to be less than twenty years nor more than thirty from the date thereof: *Provided, however*, that the said board of commissioners may divide the said bonds into classes as they may determine and have them mature at different convenient dates between the limits aforesaid. It is further enacted that the said bonds and their coupons shall be numbered and the bonds shall be signed by the mayor of the town of Mount Airy and countersigned by the clerk of the board of commissioners of the said town and have the corporate seal of the said town affixed thereto, and the coupons thereto attached shall be signed by the mayor of said town; that a record shall be kept of the said bonds showing the numbers and denominations thereof and to whom sold; the dates of issuing thereof and when the same will mature and interest-bearing rate thereof; the amount received from sale of same, and the date of paying the proceeds into the treasury of said town, and such other data in relation to the same as said board of commissioners may direct to be kept.

Bonds not to be sold for less than face value, and not to be delivered till paid for.

Town treasurer to receive all money for said bonds.

Bond of treasurer for this purpose.

SEC. 15. That the bonds hereby authorized to be issued shall not be sold for less than their face value, and the mayor of the said town shall not deliver said bonds or any of them to the purchaser thereof until the purchase-money thereof shall be paid to the treasurer of the said town and his receipt to the purchaser produced for the money as evidence of such payment; and the treasurer of the said town shall receive all such moneys paid in the purchase of bonds in his official capacity as treasurer of said town, and he and the sureties on his official bond shall be liable therefor and pay over the same as is provided in this act, or as may be otherwise provided by the laws relating to the treasurer of the town of Mount Airy; and it shall be the duty of the board of commissioners of the said town to see to it that the bond of said treasurer shall at all times be sufficient in amount and with satisfactory sureties to provide against any loss of money arising from the sale of said bonds, and to that end may at any time require said treasurer to renew his official bond in such sum and with such sureties as they may require, and in default thereof remove him from his office as treasurer.

Funds from sale of bonds to be kept separate.

SEC. 16. That the treasurer of the town of Mount Airy shall keep separate from all other public moneys coming into his hands the moneys arising as proceeds from the sale of said bonds, and the same shall be expended by the school committee of the town of Mount Airy in the purchase of lands in the town of Mount Airy, and the erection thereon of suitable buildings and improvements, and furnishing the same with necessary equipments and furniture for the accommodation of the public schools of the town of Mount Airy: *Provided, however*, this question shall be submitted to the qualified voters of the town of Mount Airy for their ratification or rejection, at an election to be held on the first Monday in May, eighteen hundred and ninety-five, as heretofore provided for in section three of this act. The said election shall be advertised by the said board of commissioners of the town for thirty days prior to the day of election, in a newspaper published in the town, and said election shall be held under the supervision of inspectors and poll holders or judges of election appointed by the said board of commissioners; and the result of said election shall be made and certified as in section four of this act provided. At said election, those who are in favor of issuing the said bonds shall vote on written or printed ballots, without device, the words: "For school and bonds," as provided in section third of this act; those who are opposed to issuing bonds shall vote on written or printed ballots, without device the words, "Against school and bonds," as provided for in section third of this act, and the result of the election shall be ascertained and declared, as provided for in section four of this act. If at said election the ballots cast "For school and bonds" shall be a majority of all the votes cast, and also a majority of all the qualified voters of the said town; then said board of commissioners shall proceed at once to issue and sell said bonds or, so many thereof as may be necessary, in the judgment and discretion of said school committee of the town of Mount Airy for the purposes aforesaid.

Proviso.

Time and method of election.

Ballots.

Bonds to be issued if majority of qualified voters vote for them.

SEC 17. In order to pay interest on said bonds, and to create a sinking fund to pay the principal of said bonds at maturity, the commissioners of the town shall levy and collect a special tax of not exceeding fifteen cents on every one hundred dollars worth of taxable property in said town, and not exceeding forty-five cents on each taxable poll, and the money paid into the said town treasury received from taxes under this section shall be appropriated for the payment of the said bonds and coupons, and for no other purpose whatsoever: *Provided*, all moneys remaining in the treasury belonging to said fund after all the above said bonds and coupons shall have been redeemed, may then be transferred, by order of the said school committee, to the general school fund of the said town.

Tax for interest of bonds and a sinking fund.

Tax not to exceed 15 cents on the $100 of property, and 45 cents on the poll.

Proviso.

SEC. 18. That if, at the election provided for in this act, a majority of the qualified voters of said town shall not vote "For school and bonds," then the commissioners are hereby authorized to submit the said question to the qualified voters of the said town on the first Monday in May, eighteen hundred and ninety-six (1896), under the same rules and regulations as are herein prescribed for the election to be held on the first Monday in May, eighteen hundred and ninety-five (1895).

Election may be held under same regulation in 1896, if majority vote against this proposition in 1895.

SEC. 19. That all laws and parts of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 20. This act shall be in force from and after its ratification.

Ratified this the .. day of February, A. D. 1895.

1899—CHAPTER 267.

An act in relation to the public school in the town of Mount Airy, and providing for the levying of a tax to support the same.

The General Assembly of North Carolina do enact:

Commissioners of Mount Airy authorized to order election.

Time of election.

Levy of annual tax for school purposes.

Form of ballot.

Manner of holding election.

Notice shall be given.

SECTION 1. That the board of commissioners of the town of Mount Airy shall and they are hereby authorized to submit to the qualified voters of said town under such rules and regulations on the first Monday in May, eighteen hundred and ninety-nine (1899), as the said commissioners may prescribe, whether a tax shall be annually levied therein for the support of the schools provided for by this act. At the election held under the provisions of this act [those] who favor the levying of such annual tax shall vote on written or printed ballots without device the words, "For schools"; and those who are opposed to the levying of such annual tax shall vote on written or printed ballots without device the words, "Against schools." The manner of holding such election and the penalties for illegal voting in this election shall be the same as in the annual election for mayor and commissioners of the town of Mount Airy. The commissioners shall give thirty (30) days notice of the time of holding said election in a newspaper published in the town.

Duty of inspectors of election.

How taxes shall be levied and collected.

Amended,
P.L. 1903,
ch. 404 §3

Proviso.

Maximum tax.

How taxes shall be applied.

Amended,
P.L. 1903,
ch. 404 §5

Duties of school committee.

SEC. 2. The inspectors of said election shall on the day following the election certify the number of votes cast and counted for and against schools to the commissioners of said town, who shall proceed to declare at once the result of the election, and if a majority of the qualified voters shall vote in favor of such annual tax [it] shall be levied and collected by the town authorities under the same rules and regulations under which other town taxes are levied and collected, and the tax collector shall be subjected to the same liabilities for the collection and disbursement of the said tax as he is or may be for other town taxes: [*Provided*, the special annual taxes so levied shall not be more than thirty cents on the one hundred dollars valuation of property and ninety cents on the poll. The annual taxes levied and collected under the provisions of this act shall be applied exclusively to the support and maintenance of the public schools in the town of Mount Airy.] [The school committee] whose appointment is hereinafter provided for may establish one or more graded public schools in the town of Mount Airy and all the taxes levied and collected under this act shall not be appropriated or expended for any other purpose.

White and colored districts.

Amended,
P.L. 1903,
ch. 404 §6

SEC. 3. For the purposes and benefits of this act the town of Mount Airy shall be and constitute a public school district for both white and colored. [ ]

School committee.

Amended,
P.L. 1903,
ch. 404 §5

When elected.

Division of committeemen.

SEC. 4. If this act shall be ratified at the election authorized to be held under it [the school committee of the town of Mount Airy] shall consist of five members, to be elected by the commissioners of Mount Airy at their next regular meeting held after the election provided for in this act. The said [school committee] shall be composed of citizens of Mount Airy and freeholders therein and shall be divided by the commissioners of the town of Mount

Airy at their first regular meeting after the election provided for in this act into three classes of one member of the first class and two members each of the other two classes. The term of office [of] the first class shall expire at the end of one year after the date of said meeting, the term of office of the second class shall expire at the end of two years from the date of their election, and the term of office of the third class shall expire at the end of three years from the date of their election. Whenever the term of office of any class shall expire as above provided for, his or their successors shall be elected for a term of three years by the said town commissioners. Whenever any vacancy occurs in said [school committee] except by expiration of the term of office the vacancy for the unexpired term of the member or members shall be filled by the said [school committee.]

Term of office.

Election of successors. Vacancies occurring.

SEC. 5. That [the school committee] provided for by this act shall have entire and exclusive control of the public school interests and property of the town of Mount Airy, shall prescribe rules and regulations for their own government not inconsistent with the provisions of this act, shall employ and fix the compensation of officers and teachers of the public school or graded public school annually, subject to removal by the said [school committee]; shall make an accurate census of the school population of the town as required by the general school law of the state, and do all other acts that may be just and lawful to conduct and manage the public school interests in said town: *Provided*, all the children resident in the town of Mount Airy between the ages of six and twenty-one years shall be admitted into the said schools free of tuition charges: *Provided*, persons living beyond the limits of the corporation may attend the schools from their homes or as boarders on the payment of tuition fees to be fixed by the said [school committee.]

Duties and powers of committee.

Amended, P.L. 1903, ch. 404 §5

Who may attend.

Amended, P.L. 1903, ch. 404 §5

SEC. 6. [The school committee] created by this act may elect annually or for a term not exceeding three years a superintendent for the schools established under this act, who shall be principal of the graded school for whites if the same shall be established. The said superintendent shall examine all applicants for positions in said school and shall issue certificates to such as pass satisfactory examination, and shall do and perform such other duties as may be prescribed by said [school committee.]

Election of superintendent.

Duties of superintendent.

SEC. 7. The moneys which shall from time to time be apportioned under the general school law of the state to the public districts embraced in the corporate limits of the town, and any moneys to which the said districts or portion of districts may be entitled by reason of any special tax, gift, grant, apportionment or otherwise shall be received by the treasurer of the town of Mount Airy, who shall be ex officio treasurer of said [school committee] and whose receipt for such moneys shall constitute a sufficient voucher of such payment in the hands of any person paying the same; and the said treasurer shall report monthly to the said [school committee] his receipts and disbursements with all vouchers for the same, the moneys received as aforesaid shall be held by the treasurer as a separate fund to be disposed of under the direction of the aforesaid [school committee] whose warrants signed by the chairman and countersigned by the secretary of

By whom moneys received.

Amended, P.L. 1903, ch. 404 §5

Treasurer shall render monthly report.

said [committee] shall be the only valid voucher in the hands of the said treasurer for the disbursement of said moneys in any settlement required of him by the law. The said treasurer shall furnish annually on the first Monday in July to the board of town commissioners a statement in writing of his receipt and disbursement of the school money properly and duly audited and approved by the chairman and secretary of [the school committee]: *Provided*, the accounts, books and vouchers of the treasurer shall be open for the inspection of the said [school committee] at any time.

Treasurer's annual statement to town commissioners.

Treasurer's bond shall be increased.

SEC. 8. The bond now required of the treasurer of the town to protect public funds of the town in his hands shall be an amount sufficient to include double the amount received under this act, independent of the amount to secure other funds which may come into his hands. The said treasurer shall receive as compensation a commission of two per centum on the funds received from the taxes levied and collected under this act and disbursed in full for his services.

Compensation

School committee shall apportion money.

Amended, P.L. 1903, ch. 404 §5

SEC. 9. [The school committee] provided for by this act shall apportion the money raised or received for educational purposes in the town of Mount Airy as shall be just to the white and colored races, without discrimination in favor of or to the prejudice of either race, due regard being paid to the cost of keeping up and maintain [maintaining] the public schools of both races.

Report of school committee to town commissioners.

Amended, P.L. 1903, ch. 404 §5

SEC. 10. That the said [committee] shall make to the board of town commissioners annually, at such time as is required under the laws of the state, a report containing an accurate census of the school population of the town, showing the work done and money expended under their direction in the town of Mount Airy on account of public schools therein, a copy of which report shall be forwarded to the superintendent of public instruction in the state and a copy to the superintendent of public instruction in the county of Surry. The beginning and ending of the school year shall be fixed by [the school committee].

Body corporate.

Corporate name.

Corporate powers.

Amended, P.L. 1903, ch. 404 §5

Seal.

SEC. 11. [The school committee] hereby created shall be a body corporate by the name and style of ["The School Committee of the town of Mount Airy]" and by that name shall be capable of receiving gifts and grants, of purchasing and holding real estate, of selling, mortgaging and transferring the same for school purposes, of prosecuting and defending suits for or against the corporation hereby created. Conveyance to said [school committee] shall be to them and their successors in office, and all deeds, mortgages and other agreements effecting [affecting] real estate shall be deemed sufficiently executed when signed by the chairman and the secretary thereof and the seal of the corporation affixed thereto. The corporation shall have a corporate seal which it may break or change at pleasure.

Second election provided for.

SEC. 12. That if at the election provided for in this act a majority of the qualified voters of said town shall not vote "For schools," then the commissioners are hereby required to submit the said question to the qualified voters of the said town on the first Monday in May, nineteen hundred (1900), under the same rules and regulations as are herein prescribed for the election to be held on the first Monday in May, eighteen hundred and ninety nine (1899).

Conflicting laws repealed.

SEC. 13. That all laws and parts of laws in conflict with this act are hereby repealed.

SEC. 14. This act shall be in force from and after its ratification.

Ratified the 27th day of February, A. D. 1899.

1903—CHAPTER 404.

AN ACT TO AMEND THE PUBLIC SCHOOL LAW OF THE TOWN OF MOUNT AIRY, AND TO CONFER CERTAIN OTHER POWERS.

The General Assembly of North Carolina do enact:

Chapter 267, Public Laws 1899 amended.

SECTION 1. That chapter two hundred and sixty-seven (267) of the public acts of 1899, entitled, "An act in relation to the public schools in the town of Mount Airy, and providing for the levying of a tax to support the same," be amended as hereinafter provided.

Mt. Airy commissioners to order election second Tuesday in June on question of increased tax levy for schools.

SEC. 2. That the Board of Commissioners of the Town of Mount Airy shall and they are hereby authorized to submit to the qualified voters of said town, under such rules and regulations as the said Commissioners may prescribe, on the second Tuesday in June, 1903, whether there shall be an increase in the taxes annually levied for the support and maintenance of the schools in said town as hereinafter provided. At the election held under the provisions of this act, those who favor the levying of such annually increased tax shall vote on written or printed ballots, without device, the words "For Schools"; and those who are opposed to the levying of such annual increased tax shall vote on written or printed ballots, without device, the words "Against Schools." The manner of holding such election and the penalties for illegal voting in this election shall be the same as in the annual election for Mayor and Commissioners of the town of Mount Airy. The Commissioners shall give thirty days' notice of the time of holding said election in a newspaper published in the town.

Form of ballots.

Election machinery.

Notice.

Certifying result.

SEC. 3. The inspectors of said election shall on the day following the election certify the number of votes cast and counted for and against schools to the Commissioners of said town, and if a majority of the qualified voters shall vote in favor of such annual tax it shall be levied and collected by the town authorities under the same rules and regulations under which other town taxes are levied and collected, and the Tax Collector shall be subjected to the same liabilities for the collection and disbursement of the said taxes as he is or may be for other town taxes: *Provided*, that the annual increased taxes so levied shall not be less than twenty-five cents, nor more than fifty cents on the one hundred dollars valuation of property, and not less than seventy-five cents nor more than one dollar and a half on the poll. The annual taxes levied and collected under the provisions of this act shall be applied exclusively to equipping, supporting and maintaining the public schools in the town of Mount Airy.

If vote favorable, tax to be levied.

Liability of tax collector.

Maximum and minimum amount of tax.

Application of tax.

If vote favorable, conflicting parts of sections 1 and 2, chapter 267, laws 1899, repealed.

SEC. 4. Upon the question of voting an increased tax for the support and maintenance of the public schools in Mount Airy being submitted to the qualified voters as herein provided, if the result of the election shall be to increase the taxes provided for in this act, then so much of sections one and two of chapter two hundred and sixty-seven of the Public Laws of 1899 as is in conflict with this act shall be and the same is hereby repealed; if the result of said election shall be against increasing the taxes hereinbefore provided for, then the provisions of sections one and two of said act of 1899 shall continue in force, and the taxes provided for under said act shall be levied and collected in the same manner as provided for in said act.

If result against increase, said sections to remain in force.

Taxes, how levied and collected.

Section 11, chapter 267, Public Laws 1899, amended.

Sec. 5. After the words "style of" in line two, section eleven, chapter two hundred and sixty-seven, Public Laws of 1899, strike out the words "The School Committee of the Town of Mount Airy," and insert in lieu thereof the following words: "The Board of School Commissioners of Mounty Airy." Wherever in said act of 1899, hereinbefore referred to, the words "The School Committee" appears insert in lieu thereof the words "The Board of School Commissioners of Mount Airy."

Chapter 267 amended generally.

Attachment of contiguous territory.

Sec. 6. It is further provided that the Board of School Commissioners of Mount Airy may, upon such conditions as they may deem just and equitable, attach to said school district as is provided in section three, chapter two hundred and sixty-seven of the Public Laws of 1899, such territory as lies contiguous to the corporate limits of said town.

Power to borrow money and secure the loan.

Sec. 7. The Board of School Commissioners of Mount Airy shall have power to borrow money, and to execute the bond or bonds of the corporation therefor, and to encumber the property by mortgage or deed of trust to secure the payment therefor.

Subsequent election provided for.

Sec. 8. That if at the election provided for in this act a majority of the qualified voters of said town shall not vote "For Schools," then the Commissioners are hereby empowered to submit the said question of an increased school tax provided for in this act to the qualified voters of the said town at any time and as often as they may so order, within two years from the ratification of this act, under the same rules and regulations as are herein prescribed for the election to be held on the second Tuesday in June, 1903.

Power to convey the Male Academy.

Sec. 9. That the trustees of the Male Academy be empowered and directed to convey the title in fee simple to the Male Academy and the lot upon which same is situate, or to execute a lease upon the same for a period of ninety-nine years, to the Board of School Commissioners of Mount Airy and their successors in office; the question as to whether or not said trustees shall convey the title in fee simple, or execute a lease for a period of ninety-nine years being left to the discretion of the trustees of the Male Academy.

Conflicting laws repealed

Sec. 10. That all laws and parts of laws in conflict with this act are hereby repealed.

Sec. 11. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

1955— CHAPTER 475

AN ACT REWRITING SECTION 6, CHAPTER 2, PRIVATE LAWS OF 1895, RELATING TO THE APPOINTMENT AND TERMS OF OFFICE OF MEMBERS OF THE BOARD OF EDUCATION OF THE MOUNT AIRY CITY ADMINISTRATIVE SCHOOL UNIT.

The General Assembly of North Carolina do enact:

Section 1. That Section 6, Chapter 2, Private Laws of 1895, be and the same is hereby rewritten to read as follows:

"The Board of Education of the Mount Airy City Administrative School Unit shall consist of seven members to be appointed by the Board of Commissioners of the Town of Mount Airy and the members of said Board of Education shall be citizens and residents within the Mount Airy City Administrative School Unit. The present members of the Mount Airy City School Board shall continue to hold office as members of the Board of Education of the Mount Airy City Administrative Unit until their respective terms expire, at which time and times their respective successors shall be appointed for terms of three years. At the first regular meeting of the Board of Commissioners of the Town of Mount Airy held in April 1955 said Board of Commissioners shall appoint successors to the present City School Board and such appointees shall hold office as members of the Board of Education of said Administrative School Unit for terms of three years. At said first regular meeting of said Board of Commissioners held in April 1955 said Board shall appoint, in addition to the members of the present School Board whose terms of office expire on April 1st 1955, two additional members of said Board of Education to serve for terms of two years. The successors to all members of said Board of Education as constituted, after such appointments in April 1955, shall be for terms of three years. Whenever a vacancy shall occur in the membership of said Board of Education otherwise than by expiration of the term of office, such vacancy shall be filled for the remainder of the unexpired term by appointment of the remaining members of said Board of Education."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1955.

NEW BERN

1899.—Chapter 547.

An act to establish graded schools in the city of Newbern.

The General Assembly of North Carolina do enact:

Question of special tax for schools ordered submitted to voters.

Section 1. The mayor and aldermen of the city of Newbern are hereby authorized and required to submit to the qualified voters of said city at the next regular election of aldermen and under the rules and regulations governing said election, whether an annual tax shall be levied therein for the support of two or more graded schools in said city for both races. That such qualified voters at such election are authorized to vote on either printed or written ballots the words "For schools" and "Against schools," and the penalties for illegal and fraudulent voting in this election shall be the same as in the election for aldermen in said city of Newbern.

Form of ballot.

Levy and collection of said tax

Sec. 2. In case of a majority of the qualified voters at such election shall vote "For schools" a tax shall be levied and collected by the authorities upon all property and polls in said city, under the same rules and regulations by which other taxes are levied and collected, and the tax collector shall be subject to the same liabilities for collection and disbursement as he is or may be for city taxes: *Provided*, the special taxes so levied and collected shall not exceed one eighth of one per centum on the value of property and thirty-seven and one half cents on the poll, and that the taxes thus levied and collected shall be applied exclusively for the support of two or more "graded public schools" and shall not be appropriated or expended for any other purpose.

Liabilities for collection of tax collector.

Proviso.

Limitation to special levy.

Board of trustees.
Powers of board.
Superseded, Pr. L. 1933, ch. 114

SEC. 3. [That the board of trustees of the Newbern Academy be and are hereby constituted the board of trustees for the said graded schools.] That said board shall have power to fill all vacancies occurring in said board, to employ teachers and to do all such acts as may be necessary to carry on said graded schools for both races.

Money arising from said source, to whom paid.

SEC. 4. That the money arising from the special taxes herein provided for, collected from the property and polls, shall as soon as collected be paid over to such person or persons as the board of trustees aforesaid shall appoint and that the public school money which shall from time to time be collected under the general law for public school purposes applicable for the children in said city of Newbern shall be paid over to said board of trustees by the treasurer of Craven county as soon as appointed, and shall be applied for keeping up the said public graded schools.

Compensation of teachers.

SEC. 5. That the superintendent and teachers of the schools in this act provided for may be paid such compensation as may be deemed just and proper.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified the 6th day of March, A. D. 1899.

1907—CHAPTER 52

AN ACT TO AMEND THE CHARTER OF THE NEW BERN GRADED SCHOOLS.

The General Assembly of North Carolina do enact:

School board incorporated.
Corporate name.
Corporate powers.

SECTION 1. The school board heretofore created (Laws of one thousand eight hundred and ninety-nine, chapter five hundred and forty-seven) shall be a body corporate, by the name and style of "The Board of Trustees of the New Bern Graded Schools," New Bern, N. C., and by that name shall be capable of receiving gifts and grants, of purchasing and holding real and personal estate, of selling, mortgaging and transferring the same for school purposes, of prosecuting and defending suits for and against the corporation heretofore created. Conveyances to said school board shall be to them and their successors in office, and all deeds, mortgages and other agreements shall be deemed sufficiently executed when signed by the president and attested by the secretary thereof.

School funds to be paid to treasurer.
Apportionment of school funds.

SEC. 2. All special city school taxes and all public school funds derived from the State and county for the use and benefit of said schools shall be paid to the treasurer of the said Board of Trustees of the New Bern Graded Schools for the use and benefit of said graded school; in all apportionments of such State and county school funds there shall be apportioned to the New Bern graded schools such sum of money as will be produced by dividing the whole to be apportioned in the county of Craven by the total number of children of school age in the said county and then multiplying the result by the number of children of school age in the city of New Bern.

Powers of trustees.

SEC. 3. The said board of trustees shall have entire and exclusive control of the said graded schools in the city of New Bern; shall prescribe rules and regulations for the government of the same; shall employ, prescribe the qualification and fix the compensation of all officers and teachers in the said graded school; shall arrange a proper course of study and shall exercise such other powers as shall be necessary for the proper control and operation of the said schools.

School buildings.

SEC. 4. The said board of trustees may at any time use, for the purpose of erecting buildings for the said graded schools, or repairing the same, any surplus funds which may be on hand over and above that required for the running of the said graded schools for the usual term.

School property to vest in board.

SEC. 5. The school property situated in the city of New Bern, the title of which has heretofore vested in the school committee of township number eight, or in the Board of Education of Craven County, shall by this act vest in the said Board of Trustees of the New Bern Graded Schools, in trust for said school purposes.

SEC. 6. That this act shall only apply to Craven County, and shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of February, A. D. 1907.

1909—CHAPTER 70

AN ACT TO PROVIDE ADDITIONAL SUPPORT FOR THE GRADED PUBLIC SCHOOLS IN THE CITY OF NEW BERN, AND TO AMEND THE ACT ENTITLED "AN ACT TO ESTABLISH GRADED SCHOOLS IN THE CITY OF NEW BERN," RATIFIED MARCH 6, 1899.

The General Assembly of North Carolina do enact:

Question to be submitted to voters of city.

SECTION 1. That the mayor and board of aldermen of the city of New Bern are hereby authorized and required to submit to the qualified voters of said city at the next regular election of aldermen the question whether an additional annual tax shall be levied therein for the support of the graded schools in said city which were authorized or established under the act entitled "An act to establish graded schools in the city of New Bern," ratified the sixth day of March, one thousand eight hundred and ninety-nine, being chapter five hundred and forty-seven of the Public Laws of North Carolina of one thousand eight hundred and ninety-nine.

Laws governing election.

SEC. 2. That the question of such additional annual tax levy shall be submitted and the election thereon held and conducted under the same rules, regulations and penalties and with the same form of ballot as is provided in the above-recited act of March the sixth, one thousand eight hundred and ninety-nine.

Effect of election.

SEC. 3. That in case a majority of the qualified voters at such election shall vote for schools, or the ballot containing the words "For Schools," a tax shall be levied and collected and the proceeds paid over, applied, used and disbursed according to the provisions and requirements of the above-recited act of March the sixth, one thousand eight hundred and ninety-nine, for the levy, collection, application, payment, use and disbursement of the special tax in the said act authorized.

Rate of tax.

SEC. 4. That the special tax hereby authorized shall not exceed the sum of seven and one-half (7½) cents on property of the value of one hundred dollars, and twenty-two and one-half (22½) cents on the poll, so that the whole special tax authorized under this act and the before-recited act of one thousand eight hundred and ninety-nine shall not exceed twenty (20) cents on property valued at one hundred dollars, and sixty cents on the poll.

New registration.

Sec. 5. A new registration of the voters shall be had at such next regular election in said city.

Sec. 6. That this act shall be in force from and after its ratification.

Ratified this the 15th day of February. A. D. 1909.

1919—Chapter 88

AN ACT TO FIX THE BOUNDARIES OF THE NEW BERN GRADED SCHOOL DISTRICT, CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

Boundaries to coincide with those of city of New Bern.

Section 1. That the boundaries of the graded school district of the city of New Bern, North Carolina, from and after April thirtieth, one thousand nine hundred and nineteen, shall be the same and coincide with the present boundaries of the city of New Bern, as extended by the General Assembly of one thousand nine hundred and nineteen, and all territory lying outside of said city limits as extended, shall not be included in said graded school district.

Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed so far as this act is concerned.

Sec. 3. This act shall be in force on and after April thirtieth, one thousand nine hundred and nineteen.

Ratified this the 6th day of March A. D. 1919.

1921—Chapter 188

AN ACT TO ESTABLISH A BOARD OF EDUCATION FOR THE CITY OF NEW BERN AND TO AMEND PRIOR LAWS RELATING TO THE GRADED SCHOOLS OF NEW BERN.

The General Assembly of North Carolina do enact:

Regular meetings.

Meeting for organization.

Committee of seven.

Official designation.

Members classified.

Number and term of class one.

Number and term of class two.

Number and term of class three.

Section 1. That the regular meetings of the board of trustees of the New Bern Graded Schools shall be held on the last Friday in January and the last Friday in July of each year. That the said board of trustees shall meet as soon as may be practicable after the ratification of this act, which meeting shall be in lieu of the January, one thousand nine hundred and twenty-one meeting, and at said meeting shall elect a president and vice-president and shall elect a committee of seven of their members to be officially known as the board of education of the city of New Bern. The seven members so chosen shall be divided into three classes: Class one shall be composed of three members, and the said three members shall hold office until February first, one thousand nine hundred and twenty-three and until their successors are elected and qualified; class two shall be composed of two members, and the said members shall hold office until February first, one thousand nine hundred and twenty-five and until their successors are elected and qualified; and class three shall be composed of two members, and shall hold office until Feburary first, one thousand nine hundred and twenty-seven and until their suc-

Election of successors.

Vacancies.

sessors are elected and qualified. At its regular January meeting in the year one thousand nine hundred and twenty-three and each two years thereafter the said board of trustees shall elect from their number members to fill the vacancies occurring by the expiring terms of members of said board of education. In case of vacancy occurring in said board of education by reason of death or resignation of any member thereof, the said vacancy shall be filled for the unexpired term by the said board of trustees at its next regular meeting.

Duty of board.

Study of school needs.

Comparison with other schools.

Employment of experts.

School system.

SEC. 2. It shall be the duty of the board of education to provide ample modern school facilities for the white and colored schools of the city of New Bern. Said board shall study carefully the school needs of the city and shall also make careful comparison with the schools of other towns and cities of the State. It may employ experts to make surveys, investigations, reports, etc. It shall be its duty to maintain a modern well equipped school system.

Use of school property.

School funds.

Control of funds and expenditures.

SEC. 3. For the accomplishment and intent and purpose of section two, the use of school property now held by, or that may hereafter come into the possession of the board of trustees of the New Bern Graded Schools is hereby placed at the disposal of the board of education of the city of New Bern for its use, in providing and maintaining good free public schools. Furthermore the board of trustees of New Bern Graded Schools authorize the board of education to receive all taxes levied for school purposes, also to receive all other maintenance funds of every kind. And the board of education shall have exclusive control of such funds and expenditure of same in maintaining the schools and in keeping the buildings and grounds in repair.

Expenditures for sites and buildings.

Proviso: plans and proposals submitted to trustees.

Title to property.

SEC. 4. All proceeds from the sale of bonds, and any other money provided for the purchase of sites and erection of buildings shall be expended by and under direction of the board of education of the city of New Bern: *Provided*, that the board of education shall submit all plans and proposals for the purchase of lands and the erection of buildings to the trustees of New Bern Graded Schools for approval and acceptance before the plans and proposals are executed. All the public school property of the city of New Bern shall be held in the name of the board of trustees of New Bern Graded Schools.

Authentication of notes.

Budget not exceeded.

SEC. 5. All notes and papers issued as security in obtaining money for the current expenses of the schools in any year shall be valid if signed by the chairman and secretary of the board of education of the city of New Bern: *Provided*, the issuance thereof is ordered by said board of education. But the board of education shall not exceed the annual budget of the city schools.

New Bern graded school.

Superintendent of schools.

Employment of teachers and other officials.

SEC. 6. The board of education shall exercise as much of the power and authority of the board of trustees of New Bern Graded Schools, and of the school laws of the State as are necessary in carrying out the purpose and intent of the charter of the New Bern Graded School. The board of education shall employ the superintendent of schools, who shall be ex officio a member of all committees of the board of education. The board of education shall employ all principals, teachers, janitors and other

Salaries and wages.

necessary officials and assistance and shall fix all salaries and wages and pay same.

Payment of contracts, debts and obligations.

SEC. 7. All contracts, debts, agreements and obligations of the board of trustees of the New Bern Graded Schools shall devolve upon the board of education of the city of New Bern for payment.

Annual audit.

Audit submitted to trustees.

Printing and distribution.

SEC. 8. At the end of each fiscal year the county auditor shall audit the books and accounts of said board of education. Upon completion of the audit and report, the board of education shall submit same to the board of trustees of New Bern Graded Schools, who shall have same printed and distributed, not later than September first, of each year.

Secretary-treasurer.

Official bond.

Salary.

Custodian of seal and records.

Collections and payments.

Deficit.

Financial statements.

SEC. 9. The secretary-treasurer elected by the board of education shall be the official secretary-treasurer of the school system. The board of education shall require adequate bond of the treasurer and shall fix his salary. Said secretary-treasurer shall be the custodian of the seal of the board and of all records of the board. He shall collect all funds due the schools and provide prompt payment of all salaries, notes, interest, sinking fund payments, etc. In the event of foreseeing a lack of funds to meet any forthcoming payments or obligations, he shall confer with the chairman regarding the same. He shall render a financial statement at each regular meeting of the board.

Regular meetings.

Special meetings.

Publication of notices.

SEC. 10. The board of education shall hold regular meetings at the Academy Green or other place to be selected by said board on the second Tuesday in each month. Special meetings shall be held at the call of the chairman and secretary. Public notice shall be published at all regular meetings.

Quorum.

SEC. 11. Four members of the board of education shall constitute a quorum.

Reports to trustees.

SEC. 12. At each regular meeting of the trustees, the board of education shall submit a full and complete report of its transactions and shall inform the trustees of its plans and policies.

Removal for cause.

SEC. 13. Whenever any member of the board of education shall in the judgment of the trustees prove to be unworthy of membership in the board of education, he shall be removed by a two-thirds vote of the trustees and the vacancy be filled by the trustees.

Vacancy for failure to attend meetings.

SEC. 14. Whenever any member of the board of education shall fail to attend the meetings for a period of three months, his term shall be at an end and the trustees shall fill the vacancy at their next meeting.

Law amended.

Conflicting laws repealed.

SEC. 15. That chapter five hundred and forty-seven, Public Laws of one thousand nine hundred and ninety-nine, and chapter fifty-two, Private Laws of one thousand nine hundred and seven, be and the same are hereby amended in such manner as to conform to the provisions of this act and all of the provisions of either of the said chapters; and all other laws or clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 16. This act shall be in force from and after its ratification.

Ratified this the 7th day of March, A.D. 1921.

1933—CHAPTER 114

AN ACT TO AMEND THE CHARTER OF THE NEW BERN GRADED SCHOOLS, AND TO PROVIDE FOR THE APPOINTMENT OF THE BOARD OF TRUSTEES OF THE NEW BERN GRADED SCHOOLS.

The General Assembly of North Carolina do enact:

Membership on Board of Trustees of New Bern Graded Schools.

SECTION 1. That if this act be ratified by a majority of the voters of the City of New Bern in the manner hereinafter provided, the Board of Trustees of the New Bern Graded Schools shall, after the first Monday in January, nineteen hundred and thirty-four, consist of nine members, to be appointed by the Board of Aldermen of the City of New Bern, three of whom shall be appointed for a term of six years, three for a term of four years, and three for a term of two years. All said members shall be residents of and appointed from said city at large.

Term of office.

Superseded, S.L. 1961, ch. 1111, § 14

Vacancies.

SEC. 2. [That upon the expiration of the term for which the members of the Board of Trustees are appointed, their successors shall be appointed by the said Board of Aldermen for a term of six years.] If any vacancy occurs in the Board of Trustees by reason of death, resignation, removal from the city, or otherwise, such vacancy shall be filled for the unexpired term by said Board of Aldermen.

Powers and duties.

SEC. 3. That when appointed the said Board of Trustees shall, upon qualification, succeed to and become fully and completely vested with all property, rights, powers, duties, and privileges of the present Board of Trustees, and such other rights, powers, and duties as may be conferred by law.

Election of officers.

Secretary.

Compensation.

SEC. 4. That said Board of Trustees at their first meeting, and annually thereafter, shall elect a chairman and vice-chairman and secretary, whose terms of office shall continue for the period of one year. The secretary may or may not be a member of said Board of Trustees. His compensation shall be fixed by said Board of Trustees, and he shall perform the usual and customary duties of such office.

Employment of school teachers and officials.

Removal.

SEC. 5. That said Board of Trustees shall employ the superintendents, principals, teachers and servants of said schools, and fix their compensation and term of employment within the limits of the law of North Carolina relative to same, and shall have right to remove any of such employees for cause.

Administrative powers.

SEC. 6. That the said Board of Trustees is hereby vested with full authority, and it shall be its duty, to efficiently administer all affairs of said schools.

Act submitted to voters.

SEC. 7. That this act shall not go into effect until it is ratified by a majority of the qualified voters of said city in the next general election to be held in said city in May, nineteen hundred and thirty-three. The said Board of Aldermen shall prepare and submit in such election ballots to read as follows:

Ballots.

"For adoption of the new system for appointment of Trustees for the New Bern Graded Schools."

"Against adoption of the new system for appointment of Trustees for the New Bern Graded Schools."

Certifying results.

That immediately after such election said Board of Aldermen shall canvass, declare and publish the result of said election. If a majority of the votes cast shall be for adoption of the new system for appointment of Trustees for the New Bern Graded Schools, the provisions of this act shall become effective the first Monday in January, nineteen hundred and thirty-four, and said Board of Aldermen shall, at the regular December, nineteen hundred and thirty-three, meeting, appoint nine Trustees, three of whom shall serve until the first Monday in January, nineteen hundred and thirty-six, three until the first Monday in January, nineteen hundred and thirty-eight, and three until the first Monday in January, nineteen hundred and forty. At the regular meeting of said Aldermen in December, nineteen hundred and thirty-five, and every second year thereafter, three Trustees shall be appointed to supply the places of Trustees whose terms will expire in January thereafter. Said Trustees shall, upon qualification, assume the duties of said office.

Effective data.

Appointment of first Trustees.

Conflicting laws repealed.

SEC. 8. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 9. That this act shall be in full force and effect from and after its ratification.

Ratified this the 11th day of April, A.D. 1933.

1961—CHAPTER 1111

AN ACT TO AMEND CHAPTER 1281, SESSION LAWS OF 1957, THE SAME BEING THE CHARTER OF THE CITY OF NEW BERN.

The General Assembly of North Carolina do enact:

Sec. 14. Section 28, Chapter 1281, Session Laws of 1957, is hereby rewritten to read as follows:

"Sec. 28. Appointment of Officers and Board Members. The board of aldermen shall appoint a city manager, city attorney, city clerk, city treasurer, city tax collector, chief of police, and such members of the New Bern City School District Board of Education as are from time to time required. The members of the New Bern City School District Board of Education shall be residents of the New Bern City School District, and shall be appointed for such terms as shall be established by the board of aldermen by ordinance; provided, however, that in no event shall any term of office of said members be fixed for less than three (3) years. The board of aldermen shall also appoint all members to such boards and commissions as may be established from time to time for special purposes. The board of aldermen may combine the duties of the office of the city clerk and city treasurer and appoint one person to perform the duties of both offices. All officers appointed under this Section shall serve at the pleasure of the board of aldermen. The board of aldermen shall fix by ordinance the compensation of all officers and employees, prescribe the bond they deem necessary for each and require all officers so appointed to take an appropriate oath of office prior to beginning their duties."

NEWTON-CONOVER

1935—CHAPTER 200

AN ACT TO PROVIDE FOR THE ELECTION OF TRUSTEES FOR THE NEWTON-CONOVER CITY ADMINISTRATIVE SCHOOL UNIT.

Preamble: Joining of Newton and Conover School Districts.

Whereas, the Newton Graded School District and the Conover Special School Tax District have been combined by the State School Commission into one administrative unit, known as the Newton-Conover City Administrative Unit; *Now, Therefore,*

The General Assembly of North Carolina do enact:

Election of Trustees of Newton-Conover City Administrative School Unit.

Voting places.

Amended, (added) S.L. 1951, ch. 512, § 1

Qualifications of electors.

SECTION 1. That at the next municipal election to be held on the first Monday in May, one thousand nine hundred thirty-five, there shall be elected by the qualified voters residing in the Newton-Conover City Administrative Unit four members to serve on the Board of Trustees of said administrative unit, the election to be held under and subject to the same rules and regulations governing the nominating and electing of municipal officers of the Town of Newton. Said election to be held by having two voting places, one in the Town Hall in the Town of Newton and all qualified voters residing in the old Newton Graded School District, viz.: within the boundary lines of the Newton Graded School District as of January first, one thousand nine hundred and thirty-one, shall be allowed to vote at such an election at the Newton voting precinct, and the other voting precinct shall be in the school building, or in the Town hall, in the Town of Conover, North Carolina, and all qualified voters residing in the old Conover Special Tax School District, viz.: within the boundary lines of said old Conover Special Tax School District as of January first, one thousand nine hundred and thirty-one, shall be allowed to vote at such an election at the Conover voting precinct. The Board of Trustees for said administrative unit shall consist of six members, four of whom shall reside within the limits of the old Newton Graded School District, and the remaining two shall reside in that territory formerly known as the Conover Special Tax School District. The terms of office for said trustees shall be as follows: D. B. Gaither and O. R. Cline shall continue as members of the Newton-Conover City Administrative Unit until their present term of office expires on the first Monday in May, one thousand nine hundred and thirty-six. Two members, one from Newton and one from Conover District, shall be elected on the first Monday in May, one thousand nine hundred and thirty-five, for a term of two years. Two members, one from Newton and one from Conover District, shall be elected on the first Monday in May, one thousand nine hundred and thirty-five, for a term of three years. [On the first Monday in May in each year thereafter there shall be elected two trustees who shall hold office for a period of three years to succeed those whose terms expire.] [ ]

Number of Trustees.
Residence requirements.
Terms of office.

Superseded, S.L. 1951, ch. 512
Amended, (added) S.L. 1961, ch. 716

Conduct of election.

SEC. 2. That the election officials of the Town of Newton, North Carolina, shall conduct said election, appoint the registrars, judges, and other poll holders necessary, and do each and everything necessary in conducting said election,, under the rules governing and controlling regular and special municipal elections, of the voting precinct located in the Town of Newton. That the election officials of the Town of Conover, North Carolina, shall conduct the election at the voting precinct in the Town of Conover in the same manner as herein provided for the Town of Newton: *Provided*, that any special election may be called by the election officials of said Towns meeting in joint session.

Calling of special election.

Registration books.
Ballot boxes.
Re-registering of present qualified voters unnecessary.

SEC. 3. That a special book shall be provided in each voting place for the registration of voters residing within the limits of each voting place, or precinct, as set out herein, who shall register and vote in the precinct in which they reside, and special boxes shall be provided at each voting place, to wit, in the Town Hall in Newton, North Carolina, and in the school building or Town Hall in Conover, North Carolina, in which shall be deposited the votes for said trustees: *Provided*, that all legally qualified voters now registered in the Town of Newton or in the former Newton Graded School District shall be deemed legally registered in the said Newton precinct and all legally qualified voters now registered in the Town of Conover or in the old Conover Special Tax District shall be deemed legally registered in the Conover precinct, and such registered voters shall not be required to re-register except and unless a new registration shall be ordered in either or both of said precincts by the election officials of the Towns of Newton and Conover meeting in joint session.

Qualification of trustees.
Powers and duties.

SEC. 4. That the said trustees shall qualify and enter upon their duties as such officers on the Monday next following the election as herein provided, and shall have all the powers, authorities and duties conferred and imposed upon the trustees now acting as trustees of the said Newton-Conover City Administrative Unit, and the said trustees now serving, with the exception of D. B. Gaither and O. R. Cline, shall, when the four trustees herein provided for have been elected and qualified, be relieved of all further duties powers and authorities as such trustees.

Present trustees relieved when successors elected.

SEC. 5. That the said trustees, as herein provided for, shall at their first meeting elect from their number a chairman, who shall serve for one year, and that thereafter at the first meeting after each election they shall elect a chairman to serve for one year.

Provision for electing chairman.

Amended,
S.L. 1951,
ch. 512, § 5

SEC. 6. That the expense of the election herein provided for as held in the Town of Newton shall be paid by the Town of Newton from the general funds of said Town. That the expense of the election herein provided for as held in the Town of Conover shall be paid by the Town of Conover from the general funds of said Town.

Election expense provided for.

SEC. 7. That vacancies occurring on the Board of trustees shall be filled by appointments made by the remaining members of said Board at the time of such vacancy.

Vacancy appointments.

SEC. 8. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 9. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3d day of May, 1935.

1951—CHAPTER 512

AN ACT TO AMEND CHAPTER 200 OF THE PRIVATE LAWS OF 1935, RELATING TO THE ELECTION OF TRUSTEES FOR THE NEWTON-CONOVER CITY ADMINISTRATIVE SCHOOL UNIT.

WHEREAS, the City of Newton has now changed the time for the election of municipal officers so that elections shall be held only every two years; and

WHEREAS, the trustees for the Newton-Conover City Administrative School Unit are elected in said municipal elections, and it now becomes necessary to change the terms of office for said trustees to conform to the time for said elections: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 200 of the Private Laws of 1935 is hereby amended, the same being entitled "An Act to Provide for the Election of Trustees for the Newton-Conover City Administrative School Unit," by inserting after the word "Newton" and before the word "and" in line 9 of said No. 1 the following: "or at such other place or places as may be used by the City of Newton for voting places in municipal elections."

Sec. 2. Successors to M. L. Adair and Berry Wagoner, trustees from the old Newton Graded School District, whose terms of office expire in May, 1951, shall be elected from said district for a term of four years, and from said district each four years thereafter.

Sec. 3. The terms of office of Joe Robinson and A. L. Shuford, Sr., trustees, whose terms of office would expire in May, 1952, shall be, and they are hereby, extended so that they shall hold office until May, 1953. That in May, 1953, a successor to the trustee, Joe Robinson, shall be elected from the old Newton Graded School District for a term of four years, and from said district each four years thereafter. In May, 1953, a successor to the trustee, A. L. Shuford, Sr. shall be elected from the old Conover Special Tax School District for a term of two years, and in May, 1955, a successor trustee shall be elected from said district each four years thereafter.

Sec. 4. In May, 1953, a successor to the trustee, Dr. L. M. Caldwell, shall be elected from the old Newton Graded School District for a term of four years, and from said district each four years thereafter. In May, 1953, a successor to the trustee, Sam Warlick, shall be elected from the old Conover Special Tax School District for a term of four years, and from said district each four years thereafter.

Sec. 5. Section 5 of Chapter 200 of the Private Laws of 1935 be further amended by striking out the word "one" appearing in lines 3 and 4 of said Section and inserting therein the word "two" in place of said word stricken out in lines 3 and 4 of said Section.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1951.

1961— CHAPTER 716

AN ACT TO AMEND CHAPTER 200 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION OF 1935, RELATING TO THE ELECTION OF TRUSTEES OF THE NEWTON-CONOVER CITY ADMINISTRATIVE UNIT.

The General Assembly of North Carolina do enact:

Section 1. Chapter 200 of the Private Laws of North Carolina, Session 1935, is hereby amended by adding a new Section, to be numbered "Section 1½", immediately following the present Section 1, to read as follows:

"Sec. 1½. (a) Qualified voters residing in the area hereinbefore defined as "Old Conover Special School Tax District" shall vote for the Trustees residing in that district only and the qualified voters residing in the area hereinbefore defined as the "Old Newton Graded School District" shall vote for the Trustees residing in that district only, so that the Conover representatives shall be elected exclusively by voters and residents of the Conover district and the Newton representatives shall be elected exclusively by voters and residents of the Newton district. At each election herein provided for, the Town of Conover shall provide a separate ballot to be used in the election of Trustees of the School Unit containing the names of the Conover candidates only and the City of Newton shall provide a separate ballot to be used in the election of Trustees of the School Unit containing the names of the Newton candidates only.

"(b) For the purposes of conducting the elections herein provided for, the division and boundary line separating the said Old Conover Special School Tax District and the Old Newton Graded School District is hereby established and re-defined as follows: BEGINNING at the intersection of the Newton School District line and the Startown School District line in the St. Pauls Church Road West of Newton near Queens Store and as shown on a map designated as "Map 50N" in the office of the Tax Supervisor of Catawba County, and runs thence southeastward crossing the lands of Arthur Little and Charlie Bryon Bolick and Ira Edgar Bolick to the common corner of Ira Edgar Bolick, Oliver Glenn Bolick and Percy C. Little; thence continuing southeastward across the land of Percy C. Little to his corner in the branch a short distance West of Westside Boulevard (Highway No. 321); thence eastward to the intersection of the said highway and a branch; thence northward with the highway, 654 feet to Earl Bost and O. G. Bolick's corner at the East side of the highway; thence with

Earl Bost's and Charles Albert Bollinger's lines, eastward 430.2 feet to Bollinger's and Bost's corner; thence eastward along Earl Bost's line to the common corner of Earl Bost and P. M. Dellinger in West 26th Street; thence eastward with West 26th Street to Highway No. 16 (North Main Avenue); thence South with North Main Avenue, to East 25th Street; thence with East 25th Street eastward to North College Avenue; thence southward with North College Avenue to the Southern Railroad track and the Newton corporate limits line; thence with the corporate limits line eastward to the northeast corner of the Newton corporate limits; thence with the corporate limits line southward to the intersection of the corporate limits with the South fork of McLins Creek; thence with said creek eastward to the intersection of the creek and the Southern Railroad and at the Pond Trestle. All voters residing North of the foregoing line shall vote in the Conover district and all voters residing South of the foregoing line shall vote in the Newton district."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on July 1, 1961.

In the General Assembly read three times and ratified, this the 9th day of June, 1961.

NORTH WILKESBORO

1905—CHAPTER 359.

AN ACT FOR THE ESTABLISHMENT, CONTROL AND MAINTENANCE OF GRADED SCHOOLS IN THE TOWN OF NORTH WILKESBORO.

The General Assembly of North Carolina do enact:

SECTION 1. That all the territory embraced within the corporate limits of the town of North Wilkesboro, Wilkes County, shall be and is hereby constituted a school district for the white and colored children.

Town constituted school district.

SEC. 2. That the special school district embracing the territory hereinbefore named, as created by the Board of Education of Wilkes County, in the year one thousand nine hundred and four (1904), and the special tax voted by said district at an election held therein on the .... day of .... one thousand nine hundred and four (1904), is hereby ratified and validated, and the committee appointed for said district and now exercising the duties and functions of their office, shall remain in their said office and discharge the duties thereof until their successors as provided for in this act are elected and qualified.

School district and special tax ratified.

Committee continued in office.

SEC. 3. [That the taxes voted and levied by virtue of said election, namely, a tax of thirty cents on the one hundred dollars worth of property and ninety cents on the poll, shall be annually levied and collected for said graded schools as hereinafter set out.]

Tax to be continued.

Amended, Pr. L. 1915, ch. 185, § 1

SEC. 4. That all the property held by said committee of said special school district shall be vested in and become the property of the North Wilkesboro Graded School District, as hereinafter set out, and shall be properly conveyed by deed to the trustees of the said North Wilkesboro Graded School, as hereinafter set out.

Property vested in school district.

Board of trustees to be elected.

Classes.

Terms of office.

Vacancies.

Amended, Pr. L. 1915, ch. 185, §§ 2,3

Religion.

SEC. 5. That at the regular election in May, one thousand nine hundred and five (1905) for mayor and commissioners of North Wilkesboro, there shall also be elected by the qualified voters of said town six citizens of said town, who shall compose and be "The Board of Trustees of the North Wilkesboro Graded School." That the said board of trustees shall be divided into three classes: the members of the first class shall hold office for two years; the members of the second class shall hold office for four years, and the members of the third class shall hold office for six years, respectively, from the date of their qualification. Each shall hold office until his successor is elected and qualified, and there shall be two members in the first class, three members in the second class, and two members in the third class. Vacancies by death or resignation, or any cause than by expiration of term, shall be filled by the Mayor and Board of Commissioners of North Wilkesboro; [but only for the unexpired terms of such members] Not more than two members of said board shall be of the same religious persuasion or faith.

Trustees incorporated.
Corporate name.
Corporate rights.

SEC. 6. That the board of trustees herein created shall be a body corporate by the name and style of "The Board of Graded School Trustees of the Town of North Wilkesboro," and by that name shall be capable of receiving gifts and grants, of leasing property, of purchasing and holding real and personal estate, of conveying and transferring the same for school purposes, of prosecuting and defending suits. All conveyances shall be executed in the manner prescribed by law for corporations. The corporation may have a corporate seal, which it may alter at pleasure.

Trustees to establish graded schools.

Powers of board.

Proviso: free tuition.

Pay students.

SEC. 7. That it shall be the duty of the said board of trustees to establish graded public schools for the white and colored children of said town, and said board shall use and appropriate the funds derived from the special taxes hereinbefore mentioned, and all other sources, in such manner as shall be just to both races, giving equal school facilities, due regard, however, being had to the cost of establishing and maintaining the graded schools of each race, as said board may deem just and proper. The board of trustees provided by this act shall have entire and exclusive control of the public schools and public school property in the town of North Wilkesboro; shall prescribe rules and regulations for their own government and the government of the said schools, not inconsistent with the provisions of this act; shall employ and fix the compensation of officers and teachers of the public schools; shall make an annual accurate census of the school population of the town, as required by the general school law of the State, and do all other acts that may be just and lawful in the management of the public school interests of said town: *Provided*, that all children resident in the town of North Wilkesboro between the ages of six and twenty-one years shall be admitted into said schools free of tuition charges, and those desiring admission into said schools as pay students may be admitted on such terms as said board of trustees may determine.

Public school funds to use of graded schools.

SEC. 8. That all public school funds derived from the State and from Wilkes County for the use and benefit of the public schools of said town, as indicated by the annual census of the children of school age therein, shall be paid to the town treasurer by the Treasurer of Wilkes County for the use and benefit of the graded

School property vested in graded schools.

Power to sell.

public schools in said town; and the property, both real and personal, of said public school district, whether heretofore belonging to the white or colored public schools, shall become the property of said graded schools as hereinbefore set out, and shall be vested in the said board of trustees in trust for said graded schools, and the said board of trustees may sell the same, or any part thereof, if deemed necessary or advisable, and apply the same for the use of said graded schools.

Superintendent.

Duties.

Superintendent to examine teachers.

SEC. 9. That the board of trustees created under the provision of this act shall elect, annually, at least sixty days before the opening of the fall session, a superintendent of the graded schools of said town, whose duties shall be such as may be prescribed by said board of trustees, and the said superintendent shall examine all applicants for positions as teachers in said schools, and certify the results of said examinations to said board before their election as such teachers by said board. No other certificates of qualification shall be necessary for such teachers before their election as teachers in said schools. The said superintendent shall act as secretary to said board of trustees, should the said board so elect him or require him to serve.

Amended,
P.L. 1915,
ch.185 §4

Tax to be levied annually.

School tax books.

Funds kept separate.

Commission of treasurer.

Commission of tax collector.

Bonds.

County school tax to be levied.

SEC. 10. [That the taxes heretofore named in this act, to-wit, not less than twenty cents nor over thirty cents on the property valuation, and not over ninety cents on the poll] shall be annually levied by the Board of Commissioners of the Town of North Wilkesboro at their monthly meeting in June of each year, and the same shall be listed separately from the regular municipal taxes and made out for collection on separate tax-books, to be known as the "School Tax Books," and shall be collected by the town tax collector under the same provisions as are made for the collection of other municipal taxes, and turned over to the town treasurer to be kept by him separate from the regular town funds, and they shall be disbursed by said town treasurer only under the written order of the said board of trustees, signed by the chairman of the board of trustees, and countersigned by the secretary of said board, and such orders shall be preserved by said town treasurer as his vouchers for the disbursement of said funds, and the said treasurer, for receiving and disbursing said school funds, shall receive a commission of two per cent. thereof for his services, and the town tax collector shall receive a commission of four per cent. for collecting said taxes; and both officials shall be required to give sufficient bond for the faithful discharge of the said duties, said bonds to be in addition to their regular official bonds and properly conditioned, with surety in at least double the amount of said annual taxes. And the same tax shall be levied and collected in one thousand nine hundred and five (1905) as was collected by the county for said school district in one thousand nine hundred and four (1904), all property and such increase assessed in one thousand nine hundred and four (1904) to be assessed in one thousand nine hundred and five (1905).

Annual reports.

SEC. 11. That it shall be the duty of the said board of trustees to make annually, after the close of each school year, a full and complete report of the operation of said graded schools, together with a full and complete financial report of receipts and disbursements, and also such recommendations and plans for the future as may in their judgment be advisable, to the Mayor and Board of

Commissioners of the Town of North Wilkesboro. Said board of trustees shall also include in their report such data and other information as may be required under the general school law.

Curriculum and text-books.

Sec. 12. That the board of trustees, in conjunction with the superintendent, are hereby authorized in their discretion to fix a curriculum of study and adopt text-books for said graded schools not in conflict with the State list of text-books.

Act to be submitted to voters.

Separate box.

Form of ballots.

Effect of vote.

Sec. 13. That at the regular town election in May, one thousand nine hundred and five (1905), this act shall be submitted to the qualified voters for ratification or rejection; and there shall be prepared a separate box in which all of said voters who favor this act shall vote a written or printed ticket "For Graded Schools" and those who oppose this act shall vote a written or printed ticket "Against Graded Schools"; and if a majority of the registered qualified voters shall vote "For Graded Schools," this act shall be in full force and effect, but if a majority of the registered qualified voters shall vote "Against Graded Schools," this act shall be void, and the graded school shall remain under the control of the county board of education as it now is.

Conflicting laws repealed.

Sec. 14. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 15. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

1915—Chapter 185

AN ACT TO AMEND THE CHARTER OF THE GRADED SCHOOLS OF THE TOWN OF NORTH WILKESBORO.

The General Assembly of North Carolina do enact:

Tax for graded school.

Section 1. That chapter three hundred and fifty-nine of the Private Laws of one thousand nine hundred and five be amended by repealing section three of said act and substituting in lieu thereof, "that a tax of not less than twenty cents and not more than forty-five cents on the one hundred dollars worth of property, and not less than sixty cents and not more than one dollar and thirty-five cents on the poll, shall be annually levied and collected for said graded schools as hereinafter set forth."

Recommendation for election.

Sec. 2. That in section five, line fifteen, following the words "mayor and board of commissioners of North Wilkesboro," shall be inserted the words, "upon the written recommendation of a majority of the board of graded school trustees."

Appointments for vacancies.

Sec. 3. That in section five, line fifteen, the words "but only for the unexpired terms of such members" shall be stricken out and in lieu thereof shall be substituted the following: "but only until the next municipal election, at which time the successors of such members shall be elected."

School tax.

Sec. 4. That the first three lines of section ten through the word "poll" shall be stricken out, and in lieu thereof shall be substituted the following: "That the taxes heretofore named in this act, towit, not less than twenty cents nor more than forty-five cents on the property valuation, and not more than one dollar and thirty-five cents on the poll, by and with the written recommendation of a majority of the board of graded school trustees."

Order and petition for election.

Sec. 5. That at the first regular meeting of the town commissioners after the passage of this act or as soon thereafter as possible, upon a petition of twenty of the voters of the town of North Wilkesboro, the said board of commissioners shall call a special election, under the provisions of the general law providing for special elections, at which election this act shall be submitted to the qualified voters for ratification or rejection, and if a majority of the registered qualified voters shall vote "For Amendment" this act shall be in full force and effect, but if a majority of the registered qualified voters shall vote "Against Amendment" this act shall be of no effect: *Provided*, that upon the petition of the board of trustees of the graded school, the town commissioners may call a second election, after due advertisement and in compliance with the general law governing special elections, at which election this act may be resubmitted to the voters of North Wilkesboro for their ratification or rejection: *Provided further*, that in the first herein named election a new registration shall be had in compliance with the laws governing the same.

Question on ratification of act.

Effect of election.

Proviso: second election.

Proviso: new registration.

Sec. 6. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 7. That this act shall be in force from and after its ratification.

Ratified this the 4th day of March, A. D. 1915.

RALEIGH

1885.—Chapter 141.

An act in reference to the public schools in Raleigh township, Wake county.

The General Assembly of North Carolina do enact:

That in order that the public school interests of Raleigh township, Wake county, may be more efficiently and conveniently conducted, the following shall be the law for the government of the said interests in said township:

Object; that public school interests of Raleigh shall be better conducted.

Superseded, S.L. 1963, ch. 856

[Section 1. That the school committee of said township shall consist of six members instead of three, as now required by the general school law of the State, to be elected by the board of aldermen of the City of Raleigh, but no member of said school committee shall hold any other office under the city government of Raleigh, except as hereinafter provided. The said school committee above provided for shall be divided by ballot, by the said board of aldermen, into three classes of two each. The term of office of the first class shall expire at the end of two years from a period to be fixed by the said board, and the term of office of the second class shall expire at

School committee Raleigh township to consist of six members,

Elected by board of aldermen of Raleigh.

To hold no other city office.

Divided into classes.

Two, four and six years.

the end of four years from said period, and the term of the third class at the end of six years from said period. Whenever the term of office of any class shall expire as above provided, an election shall be held by the said board of aldermen to fill the vacancy occasioned by the expiration of said term, and the term for which those chosen to fill vacancies shall be elected, shall be a term of six years, so that the said school committee shall consist of six members and a chairman *ex officio*. The mayor of the City of Raleigh shall be the chairman *ex officio* of the said committee, whose duty it shall be to preside at its meetings, but he shall have no vote on any matter before said committee, except in case of a tie. When a vacancy occurs in any of the classes above provided for, otherwise than by expiration of a term, the said vacancy shall be filled by the board of aldermen of the City of Raleigh as soon as may be convenient.]

Regular term six years.

Mayor to be chairman ex officio.

To preside, but no vote except in tie.

School committee to have exclusive control of public schools of Raleigh township.

SEC. 2. That the school committee created in the foregoing section shall have entire and exclusive control of the public school interests and property in said township; shall prescribe laws, rules and regulations for their own government, not inconsistent with the provisions of this act; shall employ and fix the compensation of officers and teachers of the public schools annually; shall take an accurate census of the school population of the township as required by the general school law of the State, and do all other acts which may be just and lawful to conduct the public school interests in said township: *Provided*, that no person shall be employed as an officer or teacher in the public schools of said township who is within two degrees of relationship by blood or marriage to any member of the said school committee: *And provided further*, that no member of said school committee shall be in any way directly or indirectly interested in the sale of any books, school apparatus or other school supplies to the public schools of said township.

Employ teachers, &c.

Census of school population.

No teacher or officer employed in two degrees of relationship to any member of committee.

No member to be interested in sale of books or school supplies.

SEC. 3. The school committee created by this act may elect annually a superintendent of schools, who shall be [principal of the Centennial Graded School, and] general supervisor of the public schools of Raleigh township. The said superintendent shall examine as to their efficiency all applicants for positions of teachers in the

Superintendent of schools to be also principal of graded school.

Amended,
P. L. Ex.
1908,
ch. 87

Duty to examine teachers.

public schools of said township, and perform such other duties as may be prescribed by the said school committee.

Moneys to be received by treasurer of Wake county.

SEC. 4. That the moneys which shall from time to time be apportioned under the general school law of the State to Raleigh township, and any moneys to which said township may be entitled by reason of any special tax, gift, grant, apportionment or otherwise, shall be received by the treasurer of Wake county, who shall be treasurer *ex-officio* of the aforesaid school committee of Raleigh township; and the said treasurer shall immediately upon receipt of such moneys report the same to the said school committee for apportionment as prescribed hereinafter. The moneys received as aforesaid shall be held by the said treasurer as a separate fund, to be disposed of alone under the direction of the aforesaid school committee, whose warrants, signed by the chairman and countersigned by the secretary of said committee, shall be sufficient vouchers for said treasurer in any settlement required of him by law. The said treasurer shall furnish annually to the finance committee of the board of aldermen of the City of Raleigh, at a time to be fixed by the said board, a statement supported by proper vouchers of all moneys received and disbursed on account of public schools in Raleigh township, and if the said statement is found correct or incorrect by said finance committee, the chairman thereof shall certify a copy of the same, with a proper endorsement, to the said board of aldermen at the next regular meeting after said statement is furnished: *Provided*, that nothing herein shall be construed to conflict with the settlement required of said treasurer under the general school law of the State.

Apportionment of school fund.

Warrant of chairman a voucher for county treasurer.

Examination of accounts by finance committee of board of aldermen.

County treasurer's bond liable for his performance of duties under this act.

SEC. 5. The general bond now required by law of the aforesaid treasurer to protect public funds in his hands shall be an amount sufficient to include double the amount received to the credit of Raleigh township on account of public schools, independent of the amount to secure the funds which may come into his hands from other sources. The said treasurer of the school committee of Raleigh township shall receive for his services as treasurer the compensation allowed by law for the receipt and disbursement of public school funds.

Compensation.

To apportion money in way just to both races, with regard to cost of different schools.

SEC. 6. The school committee provided for in this act shall apportion the money raised or received for educational purposes in Raleigh township as shall be just to the white and colored races, without discrimination in favor of or to the prejudice of either race, due regard being paid to the cost of keeping up the public schools for both races.

Oath of school committeemen.

Punishment for misconduct in office.

SEC. 7. That the said members of the school committee shall before entering upon the discharge of the duties of their office take an oath before the mayor of the City of Raleigh or some justice of the peace for Raleigh township to faithfully and honestly discharge the duties of school committeemen of Raleigh township. For any malfeasance within office the members of said committee shall be amenable to the board of aldermen of the City of Raleigh, which board shall have the power of dismissal in case of conviction.

Report of school committee.

What it shall contain.

Distribution of report.

SEC. 8. That the said committee shall make or cause to be made to the aforesaid board of aldermen an annual report of the census of the school population, of the work done and money expended under their direction in Raleigh township on account of public schools, at the first meeting of said board after the conclusion of each school year; the beginning and end of said school year to be fixed by said board, and the clerk of said board shall immediately forward a copy of said report to the office of the Superintendent of Public Instruction of North Carolina whenever it is received and accepted by said board.

School committee to be a body politic.

Powers, &c.

SEC. 9. The school committee herein created shall be a body corporate by the name and style of "The School Committee of Raleigh Township, Wake County," and by that name shall, by permission of and under the direction of the said board of aldermen, be capable of receiving gifts and grants, of purchasing and holding real and personal estate, of selling, mortgaging and transferring the same for school purposes, of prosecuting and defending suits for or against the corporation herein created. Conveyance to said school committee shall be to them and their successors in office.

Repealing clause.

SEC. 10. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 11. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1885.

1908—Chapter 87

AN ACT TO AMEND SECTION 3 OF CHAPTER 141 OF THE LAWS OF 1885, RELATING TO THE SCHOOL COMMITTEE OF RALEIGH TOWNSHIP.

The General Assembly of North Carolina do enact:

Section 1. That section three of chapter one hundred and forty-one of the Laws of one thousand eight hundred and eighty-five be and the same is hereby amended as follows: By striking out in line three of said section three the following words: "Principal of the Centennial Graded School and."

Superintendent relieved of duty as principal.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 1st day of February, A. D. 1908.

1963— CHAPTER 856

AN ACT TO PROVIDE FOR ELECTION OF MEMBERS OF THE RALEIGH CITY SCHOOL ADMINISTRATIVE UNIT AND TO FIX THEIR TERMS OF OFFICE.

The General Assembly of North Carolina do enact:

[**Section 1.** Presently incumbent members of the Board of Education of the Raleigh City School Administrative Unit shall hold terms of office as follows: Maurice P. Thiem, a term to expire July 1, 1965; Lewis H. Powell, a term to expire July 1, 1965; Mrs. J. L. Stough, a term to expire July 1, 1967; and F. J. Carnage, a term to expire July 1, 1967. The City Council of the City of Raleigh, on or before June 15, 1963, shall appoint a fifth member of the Board of Education of the Raleigh City School Administrative Unit to serve a term expiring July 1, 1965. All terms shall run to the dates specified for the members as hereinabove set forth, and until their successors are elected and appointed.]

Amended,
S.L. 1967,
ch. 87,
§ 1

[Sec. 2. From and after July 1, 1963, the Board of Education of the Raleigh City School Administrative Unit shall consist of five (5) members. At the regular municipal election to be held in and for the City of Raleigh in May of 1965, there shall be elected three (3) members of the Board of Education, who shall hold terms of four (4) years commencing July 1, 1965, and until their successors are elected and qualified. In the municipal elections held biennially after 1965, there shall be elected the number of members necessary to fill vacancies which shall arise during the year of such election, such members to be elected at such subsequent elections to terms of four (4) years and until their successors are elected and qualified.]

Amended,
S.L. 1967,
ch. 87,
§ 2

Sec. 3. Candidates for election to the Board of Education of the Raleigh City School Administrative Unit shall file notices of candidacy in the same manner as presently provided for such notices to be filed for election to other city offices. Ballots shall be prepared as in the case of preparation of ballots of other city offices, listing the names of the candidates who have filed for election to membership upon the said Board of Education, and the said candidates shall be voted upon by qualified voters of the Raleigh City School Administrative Unit. The registration and election shall be conducted insofar as practicable in accordance with the provisions of law relating to municipal primaries and elections in the City of Raleigh.

Amended,
Added,
S.L. 1967,
ch. 87,
§ 3

Sec. 3½. If more than six (6) candidates file for office in years when three vacancies on the Board are to be filled, a primary election shall be held and the six (6) candidates receiving the highest number of votes in the primary election shall be certified as the only candidates whose names shall be placed on the ballot for the election. If not more than six (6) candidates file for office in such years, no primary shall be held as to such candidates and only their names shall be placed on the ballot for the election.

If more than four (4) candidates file for office in the years in which two vacancies on the Board are to be filled, a primary election shall be held and the four (4) candidates receiving the highest number of votes in the primary election shall be certified as the only candidates whose names shall be placed on the ballot for the election. If not more than four (4) candidates file for office in such years, no primary shall be held as to such candidates and their names shall be the only names placed on the ballot for the election.

The Wake County Board of Elections shall canvass the primary and election returns and declare the results in the same manner and at the same time as a canvass is made for the primary and election returns for other offices as set out in the City Charter of the City of Raleigh, and the candidates who are elected to the Board of Education of the Raleigh City School Administrative Unit shall take office at the same time as members of the City Council and after having taken the oath of office required of members of the City Council of the City of Raleigh.

The costs of primaries and elections held for the purpose of electing members of the Board of Education of the Raleigh City School Administrative Unit shall be paid to the Wake County Board of Elections by the Raleigh City School Administrative Unit.

Sec. 4. The members of the Board of Education of the Raleigh City School Administrative Unit shall, at the first meeting held following their selection and qualification for office, elect one of their members to serve as Chairman for a term of two (2) years. Thereafter, the Chairman shall be elected by the members of the Board from one of their membership to serve for two (2) years and until his successor is elected.

Sec. 5. Any vacancies occurring on the said Board of Education by death, resignation or otherwise shall be filled by the City Council of the City of Raleigh for the remainder of the unexpired term of the member whose death, resignation or removal created the vacancy on the Board. If, in the municipal elections held biennially, there shall be fewer candidates filing in the municipal election than the number of vacancies to be filled, this shall constitute a vacancy to be filled as above provided.

Sec. 6. Candidates shall be residents of the Raleigh City School Administrative Unit, and if any member of the School Board shall remove his residence from the boundaries of such Unit, such removal shall create a vacancy on the Board to be filled as above herein described. The boundaries of the Raleigh City Administrative School Unit shall be as follows, or as they may hereafter be established as provided by law:

"Beginning at a point 200 feet South of the intersection of the New Hope Church Road and the Old Wake Forest Road; thence in a northeasterly direction with said right of way of New Hope Church Road to the western edge of the right of way of Racetrack Road; thence with said right of way of Racetrack Road in a southerly direction to the point where said right of way turns at approximately a right angle in a westerly direction; thence South 52 degrees 05 minutes East to the western edge of the right of way of Seaboard Airline Railway; thence with said right of way in a southerly direction to a point in Crabtree Creek at which point the Seaboard Airline Railroad crosses Crabtree Creek; thence down Crabtree Creek to the former eastern boundary line of Raleigh Township at the eastern property line of Aaron Liles' land; thence in a southerly direction along the former eastern boundary line of Raleigh Township to Walnut Creek; thence in a westerly direction along Walnut Creek to a point where the eastern property line of Rochester Heights Subdivision intersects Walnut Creek; thence in a southerly direction along the eastern property line of Rochester Heights Subdivision to a point where it intersects the northern property line of Biltmore Hills Subdivision; thence following the property line around Biltmore Hills Subdivision; thence following the property line around Biltmore Hills Subdivision back to a point where said property line intersects Garner Road; thence in a northerly direction along Garner Road to a point where Walnut Creek intersects Garner Road; thence in a westerly direction along Walnut Creek to the point where Walnut Creek joins Lake Raleigh; thence in a southwesterly direction along the southeastern shore to a point, said point being the southern tip of Lake Raleigh; thence in a southwesterly direction to a point, said point beginning at the intersection of Walnut Trail and Crump Road; thence in a southwesterly direction to the southern tip of Lake Johnson and continuing along the southern shore crossing Avent Ferry Road and continuing North to the center of said lake to a point, said point beginning at the intersection of the North lake shore of Lake Johnson and the present Raleigh City limits; thence along the present Raleigh City limits to a point, said point being the intersection of the western property line of Oakdale Subdivision (Lot #7), with the present Raleigh City Limits; thence in a northerly direction along the western boundary of Oakdale Subdivision to a point, said point being the intersection of Oakdale Subdivision and Hillsboro Road; thence in a northerly direction to the Southern and Seaboard Railroads; thence East along the right of way of the Southern and Seaboard Railroads to a point, said point being the intersection of the eastern property line of Armco Drainage and Metal Products, Inc. with the right of way of the Southern and Seaboard Railroads; thence in a northerly direction along the East property line of Armco Drainage and Metal Products, Inc. and continuing along said line to the northern right of way of N. C. 54 and thence in a westerly direction along the right of way of N. C. 54 160 feet and/or to a draw, said draw being located on Winsor Park, Inc., property; and thence in a northerly direction along said draw to a point, said point being the intersection of said draw with the southern right of way of Old Trinity Road; thence in an easterly direction along a line 400 feet, more or less, South of Old Trinity Road to a point, said point being the southwest corner of State Highway Maintenance Shop property; thence in a northerly direction along West property line of said property; thence in a northerly direction one lot depth West of Blue Ridge Road to a point, said point being the southwest corner of the Harvey Stone property (Lot 31, Map 462); and thence in a westerly direction 500 feet and/or to the southeast corner of the J. M. Harrison property (Lot 3, Map 461), and continuing in a westerly direction along said property line to the southwest corner of said property; thence in a northerly direction to a point, said point being the intersection of said property and property of Mrs. Callie Mangum (Lot 1, Map 462); thence in a northeasterly direction along a projected line to the intersection of Edwards Mill Road and Prison Farm Road; thence in a northeasterly direction 400 feet to a point, said point being 400 feet West of Edwards Mill Road; thence in generally a northerly direction along Prison Farm Road to a point, said point being the intersection of Prison Farm Road and Highway 70; thence in a northerly direction to a point, said point being the source of the western branch of Hare Snipe Creek; thence in an easterly direction along the creek to the intersection of Pleasant Grove Church Road Annex and Pleasant Grove Church Road; thence in an easterly direction along the southern right of way of Leesville Road to its intersection with Shelley Road; thence along the southern right of way of Shelley Road to its intersection with Leadmine Road; thence North of Shelley Road to the intersection of Shelley Road and Leadmine Creek; thence with the southern edge of the right of way of Shelley Road in a southeasterly direction to the northwest corner of Chestnut Hills Subdivision; thence in a southerly and easterly direction with the property line of Chestnut Hills Subdivision to the center of Six Forks Road, just South of Northwood Drive; thence in an easterly direction along a draw to its intersection with Doak Lake and thence in a southeasterly direction along Hogg Pen Branch to its intersection with Big Branch; thence in a southeasterly direction to a point, said point being 200 feet South of the intersection of New Hope Road and the Old Wake Forest Road, point of beginning."

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1963.

1967—CHAPTER 87

AN ACT TO PROVIDE FOR THE ELECTION OF SEVEN MEMBERS TO THE BOARD OF EDUCATION OF THE RALEIGH CITY SCHOOL ADMINISTRATIVE UNIT, AND TO FIX THEIR TERMS OF OFFICE.

The General Assembly of North Carolina do enact:

Section 1. Chapter 856, Session Laws of 1963, is hereby amended by rewriting Section 1 to read as follows:

"Section 1. Presently incumbent members of the Board of Education of the Raleigh City School Administrative Unit shall hold terms of office as follows: Maurice P. Thiem, a term to expire July 1, 1971; Casper W. Holroyd, Jr., a term to expire July 1, 1971; William P. Duff, Jr., a term to expire July 1, 1971; Mrs. J. L. Stough, a term to expire July 1, 1969; and F. J. Carnage, a term to expire July 1, 1969. The terms of the aforementioned members shall run to the dates specified for the said members, and until their successors are elected and qualified."

Sec. 2. Chapter 856, Session Laws of 1963, is further amended by rewriting Section 2 thereof to read as follows:

"Sec. 2. From and after July 1, 1967, the Board of Education of the Raleigh City School Administrative Unit shall consist of seven (7) members. At the regular municipal election to be held in and for the City of Raleigh in May, 1967, there shall be elected two (2) additional members of the Board of Education, who shall hold terms of two (2) years commencing July 1, 1967, and until their successors are elected and qualified. In the municipal elections held in 1969 and biennially thereafter, there shall be elected the number of members equal to the number of members whose terms next expire during the year of such election, such members to be elected for terms of four (4) years and until their successors are elected and qualified."

Sec. 3. Chapter 856, Session Laws of 1963, is further amended by adding a new paragraph at the beginning of Section 3½, to read as follows:

"If more than eight (8) candidates file for office in years when four vacancies on the Board are to be filled, a primary election shall be held and the eight (8) candidates receiving the highest number of votes in the primary election shall be certified as the only candidates whose names shall be placed on the ballot for election. If not more than eight (8) candidates file for office in such years, no primary shall be held as to such candidates and their names shall be the only names placed on the ballot for the election."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1967.

RED SPRINGS

1913—Chapter 34.

AN ACT TO CHANGE THE NAME OF SPECIAL-TAX DISTRICT, No. 1, IN RED SPRINGS TOWNSHIP, ROBESON COUNTY; TO CREATE RED SPRINGS GRADED SCHOOL DISTRICT; TO AUTHORIZE THE BOARD OF TRUSTEES OF SAID DISTRICT TO ISSUE BONDS, AND TO LEVY AN ADDITIONAL SPECIAL TAX.

The General Assembly of North Carolina do enact:

Name changed if special tax and bonds are voted.

Red Springs Graded School District boundaries.

Section 1. That upon a majority of the qualified voters residing in Special-tax District, Number One, white race, in Red Springs Township, Robeson County, voting in favor of the special tax and bonds hereinafter provided for, the name of said tax district shall be changed, and a taxing district to be known and designated as Red Springs Graded School District shall be and is hereby created, and the boundaries of said Red Springs Graded School District shall be as follows: Beginning at the intersection of the Hoke County line with the channel of Richland Swamp; running thence down the channel of said swamp as the various meanders thereof, in a southerly direction, to the intersection of the channel of said swamp with the line of Special-tax District, Number One, white race, Burnt Swamp Township; thence along the line of said Special-tax District, Number One, white race, Burnt Swamp Township, in an easterly direction to the line of Special-tax District, Number Four, white race, Burnt Swamp Township; thence along the line of Special-tax District, Number Four, white race, Burnt Swamp Township, in an easterly direction, until the line of said last mentioned special-tax district intersects the channel of Big Raft Swamp; thence up the channel of Big Raft Swamp, as the various meanders thereof, in a northerly direction to the Hoke County line; thence along the Hoke County line, in a westerly direction, to the beginning, the said boundaries being the same, and embracing all the territory, now included in the taxing district now known as Special-tax District, Number One, white race, Red Springs Township, Robeson County.

Red Springs Graded School District.

Incorporation.

Corporate name.

Corporate powers.

Power to execute mortgage.

SEC. 2. That upon the ratification of this act by a majority of the qualified voters residing in the above described territory, the name of said taxing district shall be changed, and shall be "Red Springs Graded School District," and the board of trustees hereinafter named, and their successors in office, shall be, and they are hereby constituted, a body corporate by the name and style of the "Board of Trustees of Red Springs Graded School District," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire by gift, purchase, devise, or otherwise, real estate and personal property, hold, exchange, mortgage, or sell the same, and exercise such other rights and privileges as are incident to other corporations, and may have a corporate seal. And said board of trustees is hereby fully authorized and empowered to execute and deliver a mortgage or deed of trust, to be signed by its chairman, attested by its secretary, and having its corporate seal affixed thereto, upon any real estate and personal property, title to which is or may hereafter be vested in said Red Springs Graded School District or in said board of trustees, to secure the bonds herein provided for, and the interest on the same.

Power to issue bonds.

Amount.

Denomination.

Interest.

Maturity.

Proviso: bonds issued as needed.

SEC. 3. That the board of trustees of said Red Springs Graded School District, hereinafter provided for, or their successors in office, shall be and they are hereby authorized and empowered to issue bonds of said Red Springs Graded School District to an amount not exceeding fifteen thousand dollars ($15,000), in such denominations as said board of trustees may deem advisable, bearing interest from their date at a rate not exceeding six per centum per annum, with interest coupons attached, payable semiannually at such time or times and at such place or places as may be deemed advisable by said board of trustees; said bonds to be in such form and tenor and transferable in such way, and the principal thereof payable or redeemable at such time or times, not exceeding thirty years from date of issue, and at such place or places as said board of trustees may determine: *Provided*, that said board of trustees may issue bonds at such time or times, and in such amount or amounts, as may be required to meet the expenditures hereinafter provided for.

Use of proceeds of bonds.

SEC. 4. That the proceeds arising from the sale of said bonds, or of such thereof as may be necessary, shall be expended by said board of trustees in providing, by purchase or otherwise, such graded school sites and buildings as may be necessary, and furnishing the same with all necessary equipment.

Bonds not to be sold below par.

Specific appropriation.

SEC. 5. That none of said bonds shall be disposed of by sale, exchange, hypothecation, or otherwise, for a price less than par; nor shall said bonds, or the proceeds thereof, be used or devoted to any other purpose than those declared in section four of this act.

Additional special tax.

SEC. 6. That, for the purpose of providing for the payment of said bonds and the interest thereon, and of defraying the expenses of the graded schools provided for in this act, the Board of Commissioners of Robeson County shall annually and at the time of levying the county taxes, commencing with the fiscal year beginning next after the ratification of this act by a majority of the qualified voters of the district as herein provided, in addition to the special tax which is now levied as a special tax for school purposes in the territory hereinbefore described under the provisions of Revisal, section four thousand one hundred and fifteen, and which special tax, upon the ratification hereof by a majority of the qualified voters residing in said territory, shall be levied upon all taxable property and polls in the above described territory, levy an additional particular and special tax on all persons and property subject to taxation within the above described territory, not to exceed ten cents on the one hundred dollars assessed valuation of property and not more than thirty cents on each taxable poll.

Limit of rate.

Collection of tax.

Paid to school treasurer.

Proviso: treasurer to give bond.

SEC. 7. That said taxes shall be collected by the Sheriff of Robeson County at the time and in the manner that the county taxes are collected, and shall be paid by him to the treasurer of the board of trustees of said Red Springs Graded School District: *Provided*, the said treasurer of said board of trustees shall first enter into a good and sufficient bond, payable to the board of trustees, in such amount as the said board of trustees may direct, conditioned for the faithful safe keeping and disbursing of said taxes and all other public school funds which may come into his hands for the use and benefit of said graded school district.

Election on approval of act.

Date of election.

Notice of election.

Election officers.

New registration.

Challenges.

Pay of registrar

Pay of judges.

SEC. 8. That the provisions of this act shall be submitted to a vote of the qualified voters residing in the territory described in section one of this act, at an election to be held on the first Monday of May, one thousand nine hundred and thirteen. That thirty days notice of such election, containing a brief synopsis of the provisions of this act, shall be published in one or more newspapers published in said graded school district, or by printed circulars or notices posted at at least ten places in the above described territory. It shall be the duty of the Board of Commissioners of Robeson County to appoint a registrar and two judges of election to conduct said election, all of whom shall be qualified voters residing in said territory. It shall be the duty of said registrar to make a new registration of all persons entitled to vote for members of the General Assembly, residing in the territory hereinbefore described, and to this end he shall, commencing on the fourth Saturday before the election, attend regularly, at some fixed place in the town of Red Springs, for four successive Saturdays, between the hours of eight A. M. and sundown, for the purpose of registering such persons as are entitled to vote for members of the General Assembly in said territory; and only those persons who are duly registered, in accordance with the provisions hereof, shall be deemed qualified voters under the provisions of this act. All challenges of voters may be entered on any registration day and shall be passed on by the judges of election and registrar on the day of election. Said registrar shall receive, as compensation for his services, the sum of three cents for each voter registered by him, and three dollars for his attendance upon the election, and the judges of election

Notice of registration.
Polling place.
Hours of election.
Cost of election.

shall receive the sum of three dollars each for their services on election day, including making up the returns. Said registrar shall post in the town of Red Springs and at least five other public places in said territory, notice of the days, hours, and place of registration. For the purpose of this act the polls shall be opened at the regular voting place for the election of town officers in the town of Red Springs, at the hour of eight A. M., and shall close at sundown. All costs in connection with such election shall be paid from the funds of Robeson County, and it shall be the duty of the Board of Commissioners of Robeson County to pass upon and pay all bills for same.

Ballots.
Count and return of votes.
Certified copy of returns.
Effect of election.

SEC. 9. At said election, those who are in favor of the creation of the said graded school district and the issuance of the bonds herein provided for, shall vote a written or printed ballot with the word "Approved" upon it, and those opposed to creating said graded school district and issuing said bonds shall vote a written or printed ballot with the word "Disapproved" upon it. The number of voters registered and the number of ballots cast for and against the creation and issuing of said bonds shall be counted and the result of said election certified and returned to the Register of Deeds of Robeson County, who shall furnish to the board of trustees a certified copy of said returns under his hand and seal, and also send a like copy of said returns to the Secretary of State, which said Secretary of State shall file in his office. If at the election a majority of the qualified voters of said district shall vote "Approved," then the said board of trustees shall at once qualify by first taking an oath to faithfully perform their duties as such trustees, and take such steps as may be necessary for the issuance and sale of the bonds herein provided for, and shall enter upon the duties enjoined upon them by this act.

Trustees named.
Terms of office.
Trustees to qualify
Beginning of term.

SEC. 10. That A. B. Pearsall, J. L. McMillan, W. N. Gibson, W. J. Johnson, W. M. Roberts, John McLean, and J. D. Gibson be and they are hereby constituted and appointed the board of trustees of said Red Springs Graded School District as herein provided; and W. M. Roberts and J. D. Gibson shall hold their office for two years; W. J. Johnson and W. N. Gibson shall hold their office for four years; and A. B. Pearsall, J. L. McMillan, and John McLean shall hold their office for six years; and each trustee shall hold until his successor shall be appointed and shall qualify in accordance with the provisions of this act; and the term of office of said trustees shall be considered as beginning on the first Monday in May, one thousand nine hundred and thirteen.

Election of successors.
Superseded, S.L. 1965, ch. 231
Vacancies.

[SEC. 11. Whenever the term of office of any class of trustees shall expire, as above provided, their successors shall be appointed for a term of four years by the Board of Education of Robeson County, the persons to be appointed to be residents and qualified voters of the graded school district hereby created. All vacancies in said board of trustees, caused by death, resignation, removal from the district, or otherwise, shall be filled by the remaining members of the board, and the person so chosen shall fill and serve out the unexpired term, and at the end of such unexpired term his successor shall be appointed by the Board of

Education of Robeson County as hereinbefore provided. The office of trustee shall not be deemed or considered as a public office within the purview of the Constitution of North Carolina]

Trustees not officers.

Organization of trustees.

SEC. 12. That after the ratification of this act by a majority vote of the qualified voters residing in said territory, said board of trustees, at their first regular meeting, and annually thereafter on the first Monday in June of each year, shall elect from their number a chairman and a secretary. The said board shall also elect a treasurer, who may or may not be a member of said board of trustees. The treasurer shall have charge of all the moneys received and disbursed, and shall report monthly to said board his receipts and disbursements, with vouchers for the same. The said treasurer shall receive such compensation as may be fixed by said board and give such bond as may be required by said board. The secretary shall keep minutes of all meetings, and shall attest the signature of the chairman to all legal documents, and shall be the custodian of the corporate seal, and shall issue, by order of the board, all orders or warrants for the payment of money.

Treasurer to have charge of money.

Monthly reports.

Compensation of treasurer.

Duties of secretary.

Trustees to make annual reports.

SEC. 13. That it shall be the duty of the said board of trustees to make annually to the Board of Education of Robeson County, after the close of each school year, a full and complete report of the operation of said graded schools, together with a financial report, which shall show all receipts and disbursements; and the said report shall contain such data and other information as may be required under the general school law or by order of said board of education; and a copy of said report shall be posted in some public place in the town of Red Springs for the information of the taxpayers of the district.

Report to be posted.

Qualifications for teachers.

SEC. 14. Said board of trustees shall not employ as a teacher in said graded schools any person who shall not be entitled to teach in the public schools of Robeson County under the general school law. The board of trustees shall have the right, in the exercise of their discretion, to admit to the said graded schools students or pupils residing out of the said graded school district, and to charge, collect, and receive from such nonresident students or pupils such tuition or other charges as may be fixed by said board of trustees.

Nonresident pupils.

Tuition fees.

Sinking fund for payment of bonds.

SEC. 15. That it shall be the duty of the said board of trustees of said Red Springs Graded School District, commencing with the fifth year after their first qualification under the provisions hereof, to provide a sinking fund for the payment of the principal of said bonds at maturity, and, for that purpose, to set apart each year, from the taxes collected, or moneys appropriated to said school district, a sum sufficient to fully pay off and discharge the principal of said bonds at their maturity, which sinking fund shall be kept securely invested or loaned out on first mortgage on real estate in Robeson County worth not less than double the amount of the loan. It shall also be the duty of said board of trustees to provide for the payment, semiannually, of the interest on said bonds, and, for that purpose, to set apart from the taxes collected, or moneys appropriated to said school district, a sum sufficient to pay the same.

Investment of sinking fund.

Payment of interest.

School funds paid to treasurer.

SEC. 16. That all public school funds derived from the State and the county of Robeson, and which may from time to time be collected and apportioned under the general school law for school purposes for the children in said Red Springs Graded School District, and all moneys to which said district may be entitled by reason of any special tax, gift, apportionment, or otherwise, shall be paid to the treasurer of said board of trustees and shall be by him paid out by order of the said board of trustees for the proper maintenance of the schools located in said Red Springs Graded School District and under the provisions hereof: *Provided*, that all donations to said schools shall be applied as directed by the donors.

Proviso: donations to school.

Present school tax continued.

SEC. 17. That in case a majority of the qualified voters of the above territory shall not vote "Approved," nothing herein contained shall interfere with the collection of the taxes for the special taxing district which now constitutes said territory, but in such case said special taxing district, and the trustees thereof, shall remain as at present constituted.

Further election.

SEC. 18. That in case a majority of the qualified voters shall not vote "Approved" at the election herein provided for, the Board of Commissioners of Robeson County, upon the petition of one-tenth of the qualified voters residing in the above territory, shall order another election to be held under the provisions of this act, first giving thirty days notice of such election, and shall appoint the judges and registrar for said election, the time and place of election to be determined by said board of commissioners, and the machinery of said election, so far as applicable, to be as hereinbefore provided.

Present tax not suspended.

SEC. 19. That nothing herein contained shall be construed as suspending or superseding the special school taxes now collected or hereafter to be levied or collected within the territory above described, but the said special taxes shall be levied and collected in the future as in the past, and the particular or special tax to be voted for the issue of bonds shall be over, above, and separate and distinct from the special taxes heretofore levied or hereafter to be levied under the provisions of Revisal, section four thousand one hundred and fifteen; and upon the ratification of this act by a majority of the qualified voters of said graded school district, the special or particular taxes herein provided for shall be levied and collected over, above, and in addition to the special school taxes now levied and collected under authority of law.

Additional tax.

SEC. 20. That all laws and clauses of laws in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 21. That this act shall be in full force and effect, subject to the provisions hereof, from and after its ratification.

Ratified this the 8th day of February, A. D. 1913.

1965—CHAPTER 231

AN ACT TO PROVIDE FOR THE ELECTION OF MEMBERS OF THE RED SPRINGS CITY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. The terms of office of W. C. McNeill and G. B. Shell, members of the present Red Springs City Board of Education, which expire on June 30, 1965, are hereby extended to June 30, 1966. The terms of office of G. R. Graham, C. T. Johnson, Jr. and R. A. McConnaughey, Jr., which expire on June 30, 1967, as members of the Red Springs City Board of Education, are extended in each case until June 30, 1968. The successors of these members shall be elected for terms of four years each as hereinafter provided.

Sec. 2. At the next regular primary election to be held for the county officers of Robeson County in the year of 1966, there shall be nominated and elected in said primary two members of the Red Springs City Board of Education who shall serve for terms of four years each from and after June 30, 1966. At the regular primary election held for county officers in Robeson County in 1968 there shall be nominated and elected in said primary three members of the Red Springs City Board of Education who shall serve for terms of four years each. All persons so nominated and elected as members of said Board shall serve until their successors are elected and qualified and shall be nominated and elected in primaries thereafter as their terms of office expire.

Sec. 3. The Red Springs City Board of Education may hold and conduct said election under the rules and regulations provided by the general election laws of the State and for this purpose may appoint all necessary election officials, establish precincts, prepare and establish registration records and do any and all things necessary for the conduct of said election which could be done and performed by a county board of elections under the general election laws as contained in Chapter 163 of the General Statutes. In lieu of conducting its own election for the members of the Red Springs City Board of Education the said Red Springs City Board of Education may contract with and may authorize the Board of Elections of Robeson County to conduct said election for the members of its Board of Education and may adopt and use the election officials of the county, the county's registration books and may prepare any additional registration that may be necessary by reason of the boundaries of the Red Springs City Administrative Unit. The Red Springs City Board of Education is authorized to pay all necessary expenses and charges for the conduct of said election whether same is conducted by the Board of Elections of Robeson County or by the Red Springs City Board of Education.

Sec. 4. All candidates shall file for office within the time required by law for filing in primaries except that such filing shall be with the Clerk of the Town of Red Springs and there shall be no filing fee required. The names of all persons filing for membership on the Red Springs City Board of Education shall be placed on a ballot without party designation and said election shall be on a nonpartisan basis. In the primary for the year of 1966, the two persons receiving the highest number of votes shall be declared to be nominated and elected, and it shall not be necessary nor shall anyone be voted upon in the general election that follows the primary. In the primary election for the year of 1968 the three persons receiving the highest number of votes shall be declared to be nominated and elected, and no person shall be voted upon any further in the general election. Thereafter, as the positions become vacant, the required number of persons who are candidates for membership on the Board of Education receiving the highest number of votes, according to the required number, shall be declared to be nominated and elected. The persons so elected shall take office on July 1st of the respective year in which elected, and the Chairman of the Red Springs City Board of Education shall be elected by the members of the Board and serve for one year without the right to succeed himself, it being the intent and purpose of this provision that there shall be a new chairman each year.

Sec. 5. Any vacancy occurring on the Red Springs City Board of Education by death, resignation or otherwise, including removal from the City Administrative Unit, shall be filled by the remaining members of the Board, and the person so chosen shall fill and serve out the unexpired term and until his successor shall be elected and qualified.

Sec. 6. All laws and clauses in conflict with the provisions of this Act are hereby repealed.

Sec. 7. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1965.

[Chapter 1228, 1971 S.L. authorizing boards of education in Robeson County to enter into long-term leases, lease-backs and lease-purchase agreements is set out at the end of the local acts affecting the Lumberton City Administrative Unit]

REIDSVILLE

1887.—CHAPTER 424.

An act in relation to the public school of Reidsville school district, Rockingham county, North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. The board of education of the county of Rockingham, North Carolina, shall and they are hereby authorized to submit to the qualified voters of Reidsville school district, under such rules and regulations and at such times within six months after the ratification of this act as the said board may prescribe, whether a tax shall be annually levied therein for the support of the schools in said district provided for by this act. At the election held under the provisions of this act those who favor the levying of such tax shall vote on written or printed ballots without device the words "for school," and those who are opposed to the levying of such tax shall vote on written or printed ballots without device the words "against school." The penalties for illegal and fraudulent voting in this election shall be the same as in the election for members of the general assembly. The county board of education shall give at least thirty days' notice of the time of holding said election in one or more newspapers published in said district.

Election in Reidsville school district on question of taxation for support of schools.

Ballots.

Penalty for illegal voting.

Notice of election.

Canvass of vote.

Tax to be levied on affirmative vote of majority of votes cast.

How collected.

Proviso.

Application of taxes collected.

Graded public schools to be established.

SEC. 2. The inspectors of said election shall on the day following the election certify the number of votes cast and counted for and against school to the county board of education, who shall proceed to declare at once the result of the election. And if a majority of the votes cast shall be in favor of such tax the same shall be levied by the county commisioners and collected by the sheriff under the same rules and regulations under which other school taxes are levied and collected, and the sheriff shall be subject to the same liabilities for the collection and disbursement of said tax as he is or may be for other school taxes, and shall receive as compensation for such services two per centum commission: *Provided*, the special taxes so levied and collected shall not be less than ten cents on the one hundred dollars' valuation of property and thirty cents on the poll, nor exceed twenty cents on the one hundred dollars' valuation of property and sixty cents on the poll. The taxes levied and collected under the provisions of this act shall be applied exclusively to the establishment and maintenance of the public schools in said district, and the school committee whose appointment is hereinafter provided for may establish one or more graded public schools in said district, and the taxes levied and collected under this act shall not be appropriated or expended for any other purpose.

Scoool committee.

Superseded, S.L. 1969, ch. 574

Terms of office.

SEC. 3. [If this act shall be ratified at the election authorized to be held under it, the school committee of said district shall consist of six members instead of three, as required by the general school law of the state, to be appointed by the county board of education at their next meeting held after the election provided for in this act. The said school committee shall be divided by the said county board of education at the time of their appointment into three classes of two each. The term of office of the first class shall expire at the end of two years from the first Monday of September, eighteen hundred and eighty-seven, and the term of office of the second class shall expire at the end of four years from the first Monday of September, eighteen hundred and eighty-seven. and the term of office of the third class shall expire at the end of six years from the first Monday of September, eighteen hundred and eighty-seven. Whenever the term of office of any class shall expire as above provided their

Vacancies.

successors shall be appointed for a term of six years by the said county board of education.] Whenever any vacancy occurs in said committee except by expiration of the terms of office, the vacancy for the unexpired term of the member or members shall be filled by the said committee.

Powers and duties of school committee.

Proviso.

Proviso.

SEC. 4. That the school committee provided for by this act shall have entire and exclusive control of the public school interests and property in said district, shall prescribe rules and regulations for their own government not inconsistent with the provisions of this act, shall employ and fix the compensation of officers and teachers of the public schools or graded public schools, subject to removal by the said committee, shall make an accurate census of the school population of the district as required by the general school law of the state, and do all other acts that may be just and lawful to conduct and manage the public school interest in said district: *Provided*, all children resident in said district between the ages of six and twenty-one years shall be admitted into said schools free of tuition charges: *Provided, further*, the admission of pay students shall be under the direction of the committee.

Superintendent of schools.

Duties.

SEC. 5. The school committee created by this act shall elect annually a superintendent of the schools established under this act, who shall be the principal of the graded school for white children if the same shall be established. The superintendent of said schools shall examine all applicants for teachers' positions in the said schools and issue certificates to the same, which certificates shall be valid for one year from date, and shall do and perform such other duties as may be prescribed by said committee.

School fund apportioned to district and other funds including receipts from retail liquor licenses to be applied to use of schools.

County treasurer to be *ex officio* treasurer of school committee.

SEC. 6. The moneys which shall from time to time be apportioned under the general school law of the state to said public school district, and moneys to which the said district may be entitled by reason of any special tax, gift, grant, apportionment, or otherwise, also the proceeds of any taxes imposed on licenses to retailers of wines, cordials or spirituous liquors in said district, which taxes shall be collected by the sheriff, as other taxes levied under this act, shall be received by the treasurer of the county of Rockingham, North Carolina, who shall be *ex officio* treasurer of said school committee, and whose receipt for such moneys shall constitute a sufficient voucher of such payment in the hands of any person paying the same, and the said treasurer shall report monthly to said school committee his receipts and disbursements with all vouchers for the same. The moneys received as aforesaid shall be held by the treasurer as a separate fund, to be disposed of under the direction of the aforesaid school committee, whose warrants, signed by the chairman and countersigned by the secretary of said committee, shall be the only valid voucher in the hands of said treasurer for the disbursement of said money in any settlement required of him by law. The said treasurer shall furnish annually to the county board of education a statement in writing of his receipts and disbursements of the school money, properly and duly credited and approved by the chairman and secretary of the school committee: *Provided*, the accounts, books and vouchers of the said treasurer shall be open for the inspection of the school committee at any time.

To disburse funds under direction of school committee.

Annual statement.

Proviso.

SEC. 7. The bond now required of the treasurer of the county to protect public school funds of the county in his hands shall be an amount sufficient to include double the amount received under this act, independent of the amount to secure other funds which may come into his hands. The said treasurer shall receive as compensation a commission of not exceeding two per centum on the funds received from the special taxes levied, collected and disbursed under this act.

Bond of treasurer.

Compensation.

SEC. 8. The school committee provided by this act shall apportion the money raised or received for educational purposes in said district as shall be just to the white and colored races, without discrimination in favor of or to the prejudice of either race, due regard being paid to the cost of keeping up and maintaining the public schools of both races.

Apportionment of funds to white and colored schools without discrimination.

SEC. 9. That the said committee shall make to the board of education annually, at such time as is required under the school law of the state, a report containing an accurate census of the school population of the district, showing the work done and money expended under their direction in the district on account of public schools therein, a copy of which report shall be forwarded to the superintendent of public instruction in the state and a copy to the superintendent of public instruction in the

School committee to make annual report, &c.

county of Rockingham. The beginning and ending of the school year shall be fixed by the committee.

School year.

SEC. 10. The school committee hereby created shall be a body corporate by the name and style of the "School Committee of Reidsville School District, Reidsville, North Carolina," and by that name shall be capable of receiving gifts and grants, of purchasing and holding real and personal estate, of selling, mortgaging and transferring the same for school purposes, of prosecuting and defending suits for or against the corporation hereby created. Conveyances to said school committee shall be to them and to their successors in office, and all deeds, mortgages and other agreements affecting real estate shall be deemed sufficiently executed when signed by the chairman, one member of the committee and the secretary thereof.

School committee incorporated. Corporate name.

Corporate powers.

SEC. 11. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 12. This act shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

1929—CHAPTER 151

AN ACT TO PROVIDE FOR THE ELECTION OF THE SCHOOL COMMITTEE FOR THE REIDSVILLE GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. [That the Reidsville Graded School Committee shall be elected by a majority of the qualified voters of said graded school district and that the number and terms of office shall remain the same as provided for in the charter of said district and as their terms of office expire, their successors shall be elected in the same manner and at the same time and place that the elections for officers of the city of Reidsville are held. That a separate registration embracing the entire school district be provided, but the same registrar and judges of elections appointed to hold the elections for city officers may serve.]

Election of Reidsville Graded School Committee by voters of district.

Superseded, S.L. 1969, ch. 574

Separate registration. Same election officials as for city elections.

SEC. 2. That said committee shall make or cause to be made an exhibit of all receipts and disbursements within sixty days after the end of each fiscal year and publish the same.

Exhibit of all receipts and disbursements.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this act shall be in force and effect from and after its ratification.

Ratified this the 12th day of March, A.D. 1929.

1947—CHAPTER 364

AN ACT TO FIX THE TERMS OF OFFICE OF THE PRESENT MEMBERS OF THE COMMITTEE OF THE REIDSVILLE GRADED SCHOOL DISTRICT AND TO REGULATE SUBSEQUENT ELECTIONS OF THE REIDSVILLE GRADED SCHOOL DISTRICT COMMITTEE.

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Vacancy appointments.

SEC. 2. Vacancies in the Committee of the Reidsville Graded School Committee shall be filled by the Committee for the remainder of the unexpired term.

1969 CHAPTER 574

AN ACT RELATING TO THE TERMS OF OFFICE OF MEMBERS OF THE SCHOOL BOARD OF THE REIDSVILLE GRADED SCHOOL DISTRICT IN ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Subject to the provisions of Section 2 of this Act, Chapter II, Subchapter A, Section 2.02(a) of Chapter 831 of the Session Laws of 1961, is rewritten in its entirety as follows:

"(a) The school board shall consist of six (6) members who shall be elected in nonpartisan elections at large by and from the qualified voters of the Reidsville Graded School District for staggered terms of four (4) years each, three members to be elected at each biennial election to succeed those whose terms are expiring.

"At the election held in 1970, there shall be elected one member of the board for a term of two years and one member of the board for a term of four years. At the time of filing for the 1970 election, each candidate shall specify whether he is filing for a term of two years or four years and the ballots for the 1970 election shall be printed to indicate which term each candidate has filed for.

"At the 1972 election and biennially thereafter, there shall be elected three members of the board for terms of four (4) years each."

Sec. 2. The City Council of the City of Reidsville is hereby authorized and directed to submit this Act to a vote of the qualified voters of the Reidsville Graded School District at any regular or special municipal election, or at a special election called for that sole purpose, but not later than the regular municipal election to be held in 1971. The proposition shall be printed on the ballot in substantially the following form: ☐ FOR reducing the term of office of the School Board members from six to four years; ☐ AGAINST reducing the term of office of the School Board members from six to four years. If a majority of the ballots cast shall favor the proposition, this Act shall take effect according to its terms, but if a majority of the ballots cast shall be against the proposition, this Act shall be null and void.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of May, 1969.

ROANOKE RAPIDS

1919—CHAPTER 120

AN ACT TO AMEND THE CHARTER OF THE GRADED SCHOOLS OF THE TOWN OF ROANOKE RAPIDS.

The General Assembly of North Carolina do enact:

Law repealed.

SECTION 1. That chapter one hundred and sixty-eight of Private Laws of North Carolina, session nineteen hundred and seventeen, as amended by the several laws amendatory thereof, be and the same is hereby repealed and the following enacted as a substitute therefor:

Limits of district defined.

"SECTION 1. That all territory lying within the corporate limits of the town of Roanoke Rapids, and all of the portion of Halifax County not embraced within said corporate limits, but lying contiguous thereto within the following boundaries, to wit: Beginning at a point on Roanoke River, being the dividing line between the farms of the estate of M. A. Hamilton, deceased, and the late B. W. Bass tract; thence south to the canal of the Roanoke Navigation and Water Power Company; thence down the canal to Medlin and Fulghum's line; thence a straight line to the Weldon and Gaston County road; thence west along said county road to Tilgham's Cross Roads; thence along the southern fork of the county road to Chocoyote Creek; thence up Chocoyote Creek as it meanders to the dividing line between J. G. Simmon's tract and John D. Shaw's line; thence along the western line of J. G. Simmon's tract to the northwestern corner of said tract on the canal bank of the Roanoke Navigation and Water Power Company; thence from this last named point due north to the banks of the Roanoke River; thence down said river as it meanders to the point beginning; shall be and is hereby constituted a public school district for white and colored children, to be known as the "Roanoke Rapids Graded School District."

Town's powers of taxation extended throughout school district.

In elections under act outlying territory deemed town ward.

"SEC. 2. That for the purpose and benefits of this act, the provisions of all laws governing the assessment of real estate and personal property, the levy and collection of municipal taxes, and the holding of municipal elections in the town of Roanoke Rapids, shall be and are hereby extended to that portion of school district lying without the corporate limits of said town, as fully as if the same lay within said corporate limits, and that in all elections held under this act, the portion of said school district lying without the said limits, shall be deemed a ward of said town.

Trustees authorized to issue bonds not to exceed $125,000.

Interest.

Proviso: Date of issue discretionary.

"SEC. 3. That the board of school trustees, hereinafter provided for, shall be and is hereby authorized and empowered to issue bonds of said school district to an amount not exceeding one hundred and twenty-five thousand dollars, of such denomination and of such proportion as said board of trustees may deem advisable, bearing interest thereof at a rate not exceding six per per centum per annum, with interest coupons attached, payable semiannually, at such time and at such place or places as may be deemed advisable by said board of trustees, said bonds to be of such form and tenor and transferable in such way and the principal thereof payable or redeemable at such place or places and at such time or times as said board of trustees may deem advisable and determine: *Provided*, that said board of trustees shall issue said bonds at such time or times, in such amount or amounts as may be required to meet the expenditures hereinafter provided for in section four of this act.

Application of proceeds.

"SEC. 4. That the proceeds arising from the sale of said bonds, or such part thereof as may be necessary, shall be expended by said board of trustees in providing, by purchase or otherwise, such graded school buildings as may be required, and in furnishing the same with school furniture and other necessary equipment.

Terms of sale.

"SEC. 5. That none of said bonds shall be disposed of by sale, exchange, hypothecation, or otherwise, for less price than their par value; nor shall said bonds, nor their proceeds, be used for any other purpose than that declared in section four of this act.

Exempt from town tax until due.

"SEC. 6. That said bonds and their coupons shall not be subject to taxation by the town of Roanoke Rapids until they become due, and tender payment shall have been made, and such coupons shall be receivable in payment of all taxes, and other dues of said town for any fiscal year in which said coupons become due or thereafter; and if the holder of said coupons shall fail to present the same for payment of the time or times and at the place or places therein named, he shall not be entitled to interest thereon for the time they shall have been outstanding after maturity.

Levy of special tax for maintenance of schools and to provide sinking fund directed.

"SEC. 7. That for a purpose of providing for the payment of said bonds and the interest thereon, and of defraying the expenses of the public graded schools provided for in this act, the board of school trustees shall annually and at the time of levying the municipal taxes in the town of Roanoke Rapids, or as soon thereafter as practicable, commencing with the fiscal year

Limit of tax rate.

beginning the first day of May, nineten hundred and seventeen, levy and lay a particular tax on all persons and property subject to taxation within the said limits of said school district, said particular tax to be not more than seventy-five cents on the one hundred dollars assessed valuation of property, and not more than two dollars and twenty-five cents on each taxable poll.

Collection.

"SEC. 8. That said tax shall be collected by a tax collector to be appointed annually on the first day of May of each and every year, or as soon thereafter as practicable, by said board of school trustees, and shall be collected by said tax collector at the time and in the manner that the municipal taxes of the town of Roanoke Rapids are collected, and said tax collector shall pay over said taxes so collected to the treasurer of said board of school trustees, who shall be appointed by said board of school trustees at the same time that said tax collector is appointed. Said treasurer shall keep said taxes so paid over to him safely in his hands in such bank or banks as said board of school trustees may designate, and shall, for the safe performance of his duties, furnish such bond as may in the discretion of said board of school trustes be sufficient. The said treasurer shall pay out said taxes and other funds which may come into his hands for the use of said graded school, only upon the warrant of the chairman and secretary of said board of school trustees, or upon the warrant of either of said officers and two other members of said board. The compensation of said tax collector and said treasurer shall be fixed by said board of school trustees.

Treasurer of board custodian.

Treasurer to give bond.

Expenditure of funds.

Submission to voters.

"SEC. 9. That the provisions of sections three and seven of this act shall be submitted to a vote of the qualified voters of said school district, at an election on a day to be designated by the board of school trustees at any time after the ratification of this act. That thirty days notice of such election, containing a copy of the provisions of sections three and seven of this act, or a synopsis of the same, shall be published in one or more weekly papers published in the county of Halifax and posted at three public places in said school district, as described in section one, and in all other respects said election shall be held and conducted under the provisions of the law governing the holding of municipal elections in said town. Those qualified voters approving the issue of bonds provided for in section three, and the levy and collection of the particular taxes provided for in section seven of this act, shall deposit a ballot containing the written or printed words 'For schools,' and those disapproving the same shall deposit a ballot containing the written or printed words 'Against schools.' If a majority of such voters shall vote 'For schools,' it shall be deemed and held that a majority of the qualified voters of said school district are in favor of granting the aforesaid board of school trustees authority to issue such bonds and levy such particular tax, and said board of trustees shall have such authority. But if a majority of such qualified voters shall vote 'Against schools,' then the said board of trustees shall not have such authority: *Provided*, that the result of such election duly ascertained in accordance with law shall be enrolled among the public records of the town of Roanoke Rapids; and after thirty days from the date of such enrollment, such record shall not be open to attack, but shall be held and deemed conclusive evidence of the

Notice of election.

Form of ballot.

Proviso: Enrollment of record.

Proviso: Subsequent elections.

trust of the facts therein recited: *Provided further*, that if a majority of the said qualified voters shall fail to vote in favor of issuing such bonds and of levying such special tax, the board of school trustees shall order another election, at any time after the expiration of six months from the date of the former election, and if, at such election, a majority of the qualified voters shall vote 'For schools,' it shall have the same force as if no election had been previously held.

Amended, Pr. L. 1931, ch. 42, § 1

Trustees appointed.

Terms of office.

Vacancies.

Successors.

Proviso: Office of trustee not to disqualify for other office.

["Sec. 10. S. F. Patterson, C. A. Wyche, W. D. Tillery, J. A. Moore, H. L. Bell, L. S. Cannon, John L. Patterson, R. W. Brown, and Louis Grimmer are hereby appointed and constituted a board of trustees for the graded schools of said district, who shall serve without compensation. The first three named shall hold their office for the term of two years, the second three named for a term of four years, and last three named for the term of six years. Vacancies occurring by reason of the expiration of the terms of office of trustees aforesaid, by death or otherwise, shall be filled by the said board of trustees at a meeting called for that purpose, and shall be for the unexpired term of trusteeship so filled, except when the vacancy occurs by reason of the expiration of the terms of office, when the term shall be for six years; a majority of the board shall constitute a quorum: *Provided*, that the acceptance of said office of school trustees shall not disqualify any person so accepting from holding any other office of trust or profit whatsoever under the laws of the State of North Carolina.]

Board a body corporate.

"Sec. 11. That said board of trustees and their successors be and are hereby constituted a body corporate by the name and style of the 'Board of School Trustees of Roanoke Rapids' and by that name sue and be sued, plead and be impleaded, contract and be contracted with, acquire by gift, purchase, or devise real and personal estate, hold, exchange, mortgage or sell same, and exercise such rights and privileges as are incident to other corporations.[] And said corporation shall have a corporate seal, which it may break and change at pleasure.

Amended, (added) Pr. L. 1929, ch. 84

Apportionment of funds between the races.

"Sec. 12. That it shall be the duty of said board of trustees to establish graded public schools for the white and colored children of said district. And said board of trustees shall appropriate and use the funds derived from said particular taxes and from other sources in such manner as shall be deemed just to both races, providing equal school facilities for each, due regard being paid, however, to the difference in the cost of maintaining such schools: *Provided*, that all donations to said schools be applied as directed by the donors.

Trustees vested with exclusive control.

School census.

Proviso: County board and county superintendent to exercise no authority.

"Sec. 13. That said board of trustees shall have exclusive control of all public schools in said school district; shall prescribe rules and regulations not inconsistent with this act for their own government, and for the government of such schools; shall employ, prescribe and qualifications and fix the compensation of all officers and teachers of such schools; shall cause to be taken from time to time, in accordance with the general school law of the state, an accurate census of the school population of the said school district, and shall exercise such other powers as may be necessary for the successful control and operation of said graded schools: *Provided*, that nothing in this act shall be held to authorize the county board of school directors, nor the county

Proviso: Subject to public school law.

superintendent of schools of Halifax County to exercise any authority or control whatever over the graded public schools of said school district, or the officers and teachers thereof: *Provided*, that the schools established under this act shall be subject in all respects to the public school law regulating other public schools of Halifax County and of the state.

Treasurer of board custodian of all funds.

Title to property vests in trustees.

"SEC. 14. That all public school funds derived from the state and from the county of Halifax for the use and benefit of the public schools in said school district, shall be paid over to the treasurer of the board of school trustees by the treasurer of said county for the use and benefit of the graded schools in this school district; and the property, both real and personal, of the various school districts embraced within the limits of said school district, shall become the property of said graded schools, and the title thereto shall be vested in said board of trustees in trust therefor, and said board of trustees may, in their discretion, sell the same or any part thereof and apply the proceeds to the use of the said graded schools.

Incidental fees.

Proviso: Application.

"SEC. 15. That said board of trustees may, if in their judgment necessary for the maintenance of said graded schools, require from each pupil entered therein an incidental fee of not more than two dollars per annum, payable as said board of trustees may direct: *Provided*, that such fee shall be applied exclusively to the maintenance of such grade in such schools as the paying pupil shall attend.

Election of superintendent.

"SEC. 16. That said board of trustees shall elect annually at least thirty days before the opening of the fall term of said graded school, a superintendent, who shall supervise the graded public schools of said school district, and exercise such other powers and discharge such other duties as said board of trustees may prescribe.

Curriculum of studies.

"SEC. 17. That said board of school trustees, together with the superintendent, are hereby authorized, in their discretion, to fix a curriculum of studies, and to adopt textbooks for said graded schools and to admit pupils residing without the limits of said district, upon such terms as said board of trustees may deem just and reasonable.

Share of county school fund.

"SEC. 18. That the county board of education of Halifax County shall apportion the school funds coming to said school district direct thereto upon a per capita basis, in accordance with the provisions of the laws of North Carolina.

Mayor's or recorder's court fines to go to school fund.

"SEC. 19. That all fines and penalties imposed and collected in the court of the mayor or recorder of the town of Roanoke Rapids shall be paid to the treasurer of the board of school trustees and by him credited to the fund for defraying the expenses of the graded schools provided in this act.

Board may require nine months attendance for children within limits compulsory attendance law.

"SEC. 20. Said board of school trustees, may, in their discretion, upon two weeks published notice in some newspaper published in Roanoke Rapids, North Carolina, or if there be none, then in some paper published in Halifax County, prescribe a nine months compulsory attendance for all children embraced within the limits of the general compulsory attendance law, and may employ a truant officer to enable them to enforce attendance. The provisions of the general compulsory attendance statute as to penalties imposed on both parent and child shall apply to any additional attendance term prescribed hereunder.

"SEC. 21. That all laws and clauses of laws in conflict with this act are hereby repealed.

"SEC. 22. That this act shall be in force from and after its ratification."

Ratified this the 7th day of March, A. D. 1919.

1929—CHAPTER 84

AN ACT TO AMEND CHAPTER 120, PRIVATE LAWS OF 1919, RELATING TO THE CHARTER OF THE GRADED SCHOOLS OF THE TOWN OF ROANOKE RAPIDS.

The General Assembly of North Carolina do enact:

Chapter 120, Private Laws 1919, section 11, amended.

Borrowing of money on notes in Roanoke Rapids for school purposes.

SECTION 1. That chapter one hundred and twenty, section eleven, Private Laws of one thousand nine hundred and nineteen, be amended by striking out the period at the end of line seven and inserting a comma and also inserting the following words: "including the borrowing of money for the purchase of land, erection of school buildings, erection of homes for teachers, providing for adequate equipment of school buildings, and current expenses for the operation of the schools, in anticipation of taxes, on the note or notes of said board of school trustees of Roanoke Rapids, authorized in its regular meetings duly assembled, and that said note or notes be signed and the seal of said corporation be affixed by the chairman, and signed by the secretary of said corporation, all by order of the said board of school trustees duly given."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 5th day of March, A.D. 1929.

1931—CHAPTER 42

AN ACT TO REPEAL SECTION TEN OF CHAPTER ONE HUNDRED TWENTY, PRIVATE LAWS OF NINETEEN HUNDRED NINETEEN, RELATING TO THE APPOINTMENT OF A BOARD OF TRUSTEES, AND PROVIDING FOR ELECTION OF SCHOOL TRUSTEES OF THE BOARD OF SCHOOL TRUSTEES OF ROANOKE RAPIDS BY THE QUALIFIED VOTERS OF THE ROANOKE RAPIDS GRADED SCHOOL DISTRICT UPON THE EXPIRATION OF THE TERMS OF OFFICE OF THE TRUSTEES HEREIN APPOINED.

The General Assembly of North Carolina do enact:

Ch. 120, Private Laws 1919, amended.

SECTION 1. That section ten, Chapter one hundred and twenty, Private Laws of North Carolina, Session one thousand nine hundred and nineteen, be, and the same is hereby repealed and the following enacted as a substitute therefore:

Appointment of Trustees of Roanoke Rapids Graded School District.

Serve without pay.

"Section 10. That W. L. Manning, Dr. T. W. M. Long, R. L. Towe, W. D. Tillery, J. T. Chase, T. W. Mullen, L. S. Cannon, J. R. Allsbrook and A. N. Martin are hereby appointed and constitute a Board of Trustees for the graded schools of said district, who shall serve without compensation. The first three named shall hold their office until the first Monday in November, nineteen hundred and thirty-one, the second three named until the first Monday in November, nineteen hundred and thirty-three, and the third three named until the first Monday in November, nineteen hundred and thirty-five. On the first Tuesday after the first Monday in October, nineteen hundred and thirty-one, there shall be elected by the qualified voters of the Roanoke Rapids Graded School District three school trustees to fill the vacancies caused by the expiration of the terms of the first three trustees hereinbefore named, and each two years thereafter on the first Tuesday after the first Monday in October there shall be elected a sufficient number of trustees to fill the vacancies occurring by reason of the expiration of the terms of office of the trustees herein appointed and to be hereafter elected. The terms of office of all trustees and their successors elected hereunder shall be for a term of six years. In all elections held under this act the mayor and the board of town commissioners shall designate the polling place or places, appoint the registrars and judges, and canvass and judicially determine the results of said election when the returns have been filed with them by the officers holding the election, and shall record such determination on their records. The notice of the election shall be given by publication at least three times in some newspaper published or circulating in the district. A new registration of the qualified voters of the district shall be ordered by the mayor and board of town commissioners, and a notice of said new registration shall be deemed to be sufficiently given by publication once in some newspaper published or circulating in said district at least thirty days before the close of the registration books. Such published notice of registration shall state the dates on which the books will open for registration of voters and the place or places on which they will be open on Saturday. The books of such new registration shall close on the second Saturday before the election. The Saturday before the election shall be challenge day, and except as otherwise provided in this act such election shall be held in accordance with the same rules, laws and regulations governing the election of municipal officers in the town of Roanoke Rapids and the holding of municipal elections in the town of Roanoke Rapids shall be and are hereby extended to that portion of said school district lying without the corporate limits of said town, as fully as if the same lay within said corporate limits, and that in all elections held under this act, the portion of said school district lying without the said limits shall be deemed a ward of said town. The ballot to be cast and all other details of said election shall be fixed by the mayor and the board of town commissioners. The trustees so elected shall qualify and their term of office shall begin the first Monday in November immediately following their election on the first Tuesday after the first Monday in October in the year in which the election to their respective offices shall be held. The successors in office of the respective trustees herein appointed and to be hereafter elected shall be elected at an election to be held on the first Tuesday after the first Monday in October every two years thereafter under the same rules and regulations as

Expiration of terms of office.

Election of three Trustees every two years.

Terms of office of newly elected Trustees, 6 years.

Details of elections.

Notice of election.

Publication of notice.

New registration.

Challenge day.

Laws applicable.

Territory outside corporate limits made election ward.

Commencement of term of Trustees elected.

Time of first election.

hereinbefore provided, such election to elect successors to the trustees whose terms expire during that year."

Time of taking office.

SEC. 2. That the said trustees herein appointed shall qualify and enter upon their duties as such trustees on the first Monday in April, nineteen hundred and thirty-one; the said first three trustees so elected shall qualify and enter upon their duties as such trustees on the first Monday in November, nineteen hundred and thirty-one, and the said trustees subsequently elected as hereinbefore provided shall qualify and enter upon their duties as such trustees on the first Monday in November next following their election on the second Monday after the first Monday in October of that year and the trustees herein appointed together with those trustees respectively elected upon the expiration of the terms of the appointed trustees and their successors as hereinbefore provided shall have all the powers, authorities and duties conferred and imposed upon the trustees now acting as Trustees of the said Roanoke Rapids Graded School District.

Powers and duties.

Selection of Chairman biennially.

SEC. 3. That the said Trustees herein provided for shall, at their first meeting, elect from among their number a Chairman who shall serve for the two following years, and that thereafter at the first meeting after each election they shall elect a Chairman to serve for the two following years.

Vacancy appointments.

Amended,
Pr.L. 1933,
ch. 177

[SEC. 4. All vacancies in said Board of Trustees caused by death, resignation, removal from the district or otherwise shall be filled by the remaining members of the board and the person so chosen shall fill and serve out the unexpired term when his successor shall be duly elected.]

Expenses of election, how paid.

SEC. 5. That the expenses of the elections herein provided for shall be paid from the general funds of the Board of School Trustees of Roanoke Rapids.

Powers and duties of present Trustees.

SEC. 6. That the trustees of the Board of School Trustees of Roanoke Rapids now holding office shall serve with the same powers, duties and authorities as now held and exercised by them until the trustees herein provided for shall have been qualified.

District otherwise unaffected.

SEC. 7. That nothing in this act shall be construed to change to change or alter the said Roanoke Rapids Graded School District, or the duties or powers of its trustees, except the manner of their election, the time of their election and the term of their office.

Qualifications of voters.

SEC. 8. That all persons residing within the limits of the said Roanoke Rapids Graded School District qualified to vote in the general State and County elections shall be considered as qualified voters in the elections herein provided for trustees.

Filing with Registrar names of candidates.

Three highest are elected.

SEC. 9. The names of all persons who shall be voted on for a trustee shall be filed with the Registrar of the election at least five days before the election. Any person may file in person or his name may be filed by any qualified voter. The three persons receiving the highest votes cast shall be declared to be elected for a term of six years.

Existing contracts of District unaffected.

SEC. 10. That nothing in this act shall be construed to violate any contract made by or with the Board of School Trustees of Roanoke Rapids as heretofore existing under Chapter one hundred and twenty, Private Laws of one thousand nine hundred and nineteen.

Constitutional parts of Act upheld.

SEC. 11. If any section, clause or sentence of this act shall be declared invalid, no other section, clause or sentence of said act shall be affected thereby.

Conflicting laws repealed.

SEC. 12. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 13. That this act shall be in force and effect from and after its ratification.

Ratified this the 4th day of March, A.D., 1931.

1933—CHAPTER 177

AN ACT TO AMEND CHAPTER FORTY-TWO, PRIVATE LAWS OF NINETEEN HUNDRED THIRTY-ONE, RELATING TO THE ELECTION OF SCHOOL TRUSTEES FOR THE BOARD OF SCHOOL TRUSTEES OF ROANOKE RAPIDS BY THE QUALIFIED VOTERS OF THE ROANOKE RAPIDS GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Ch. 42, Private Laws 1931, amended.

SECTION 1. That Section four, Chapter forty-two, Private Laws of nineteen hundred thirty-one, be and the same is hereby repealed and the following enacted are substituted therefor:

Vacancy appointments to Board of Trustees of Roanoke Rapids Schools.

"Section 4. All vacancies in said Board of Trustees caused by death, resignation, removal from the district or otherwise shall be filled by the remaining members of the Board, and the person so chosen shall serve until the next biennial general election for trustees of the Roanoke Rapids Graded School District when his successor shall be duly elected for the unexpired term."

SEC. 2. That this act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of May, A.D. 1933.

1947—CHAPTER 585

AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF THE ROANOKE RAPIDS GRADED SCHOOL DISTRICT, AS THE GOVERNING BODY OF THE ROANOKE RAPIDS CITY ADMINISTRATIVE UNIT, TO ESTABLISH AND OPERATE A JUNIOR COLLEGE, TO ISSUE BONDS TO PROVIDE THE NECESSARY BUILDINGS THEREFOR, AND TO LEVY SPECIAL TAXES FOR THE MAINTENANCE THEREOF AFTER APPROVAL BY THE VOTERS OF SAID DISTRICT.

Preamble:

Desire of people, Roanoke Rapids for educational opportunities for children.

WHEREAS, the people residing in the Roanoke Rapids City Administrative Unit have exhibited on all occasions a desire to provide the best possible educational opportunities for their children; and

High standards met by present facilities.

WHEREAS, the present facilities, as provided, have met all standards and requirements of the State Department of Public Instruction and the Southern Association of Colleges and Secondary Schools; and

Addition of junior college deemed wise.

WHEREAS, it now appears that in keeping with the traditions and desires of the people, to provide the best educational facilities possible for their children, it is deemed wise to expand such facilities by the addition of a junior college as a part of the public school program within the Roanoke Rapids City Administrative Unit: *Now, therefore,*

The General Assembly of North Carolina do enact:

Authority to establish junior college, Roanoke Rapids City Administrative unit.

Curriculum and standards.

Free tuition for residents; charge of tuition to outsiders.

SECTION 1. That the Board of Trustees of the Roanoke Rapids Graded School District, as the governing body of the Roanoke Rapids City Administrative Unit, is authorized and empowered, in its discretion, and at such time as it may determine to do so, to establish and conduct in the Roanoke Rapids City Administrative Unit, as now or hereafter constituted, a junior college to consist of two years of instruction of college grade, the curriculum and standards to be subject to the approval of the State Superintendent of Public Instruction. No tuition shall be charged to residents of the said administrative unit but a reasonable amount can be charged for tuition of students from outside of the said administrative unit. The board of trustees may make such rules and regulations as may be necessary for the conduct of the said school.

Acquisition of site for junior college.

Name.

Construction of buildings.

Provision for equipment.

Employment of officers, teachers, other employees.

Operation of junior college.

SEC. 2. That the board of trustees aforesaid is hereby authorized and empowered to expand existing school facilities and if and when necessary in the furtherance of said expansion to acquire, by purchase or otherwise, such additional land necessary for a site for the junior college, which shall be known and designated as the "Roanoke Rapids Junior College," or such other name as may be designated by the board of trustees; and said board of trustees is further authorized and empowered to construct such building or buildings as may be necessary for the operation of said junior college, and to provide such other facilities and equipment as may be necessary for the operation thereof. The said board of trustees is authorized to employ such officers, teachers and other employees as may be necessary for the operation of said institution, and to provide for the administration thereof, and to prescribe the titles and duties of all such officers, teachers and other employees. The said junior college shall be operated in conjunction with the public school system conducted by the Board of Trustees of the Roanoke Rapids Graded School District as Trustees for the Roanoke Rapids City Administrative Unit.

Tax levy for maintenance and operation of junior college.

Limitation of tax.

SEC. 3. That the Board of Trustees of the Roanoke Rapids Graded School District is hereby authorized and empowered to levy taxes upon all real and personal property in Roanoke Rapids City Administrative Unit for the maintenance and operation of the said junior college, for which special approval of the General Assembly is hereby given, not to exceed twenty cents (20c) on each one hundred dollars ($100.00) of taxable property therein, said taxes to be levied and collected in the manner that other taxes are levied and collected by the said board of trustees in said administrative unit. Such taxes shall be levied only if approved and authorized by a majority of the qualified voters in an election called and held for said purpose by the board of trustees of said administrative unit, such election to be held at the same time and in the same manner as the election held to determine whether or not bonds of the said administrative unit shall be issued for the purpose of erecting the necessary buildings for the operation of the said junior college. The said board is authorized and empowered to provide for a special registration of voters for such election, in the same manner as authorized by the Municipal Finance Act hereinafter referred to.

Tax levy subject to referendum.

Special registration of voters.

SEC. 4. That the Board of Trustees of the Roanoke Rapids Graded School District as the governing board of the Roanoke Rapids City Administrative Unit is hereby authorized and empowered, in order to provide the funds necessary for the erection and equipping of the buildings to be used for said purpose, to issue bonds or notes for an amount not to exceed two hundred thousand dollars ($200,000.00) for the special purpose aforesaid, and to levy property taxes for the payment of such bonds, notes and interest thereon, for which special approval of the General Assembly is hereby given. Said bonds shall be issued by the said board of trustees if authorized by a majority of the qualified voters of said administrative unit in an election called and held for the purpose of voting on said question. The manner of voting on said bond issue, and all other procedures in connection therewith, shall be in accordance with the provisions and with all of the power and authority provided for municipal corporations under Article 28 of Chapter 160 of the General Statutes, known as the Municipal Finance Act. The Board of Trustees of the said Roanoke Rapids Graded School District shall perform all of the acts in connection with the issuance of such bonds as prescribed in said Municipal Finance Act to be performed by the governing body of the municipal corporation.

Provision for funds for erecting and equipping buildings.

Issuance of bonds or notes.

Tax levy.

Referendum on bond issue.

Conduct of election.

Application of Municipal Finance Act.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

1971 - CHAPTER 258

AN ACT TO AUTHORIZE AN INCREASE IN THE TAX SUPPLEMENTING THE CURRENT EXPENSE BUDGET OF THE ROANOKE RAPIDS GRADED SCHOOL DISTRICT SUBJECT TO AN ELECTION TO BE HELD IN SAID SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding the provisions of G.S. 115-117 as presently anacted or as the same may be amended at some future date, but subject to an election to be held in said school district pursuant to Chapter 115, Subchapter V, Article 14, of the General Statutes, authority is hereby granted for a tax for supplementing the current expense fund budget of the Roanoke Rapids Graded School District not to exceed sixty-five cents (65¢) on the one hundred dollars ($100.00) valuation of property, real and personal.

Sec. 2. All laws and clauses of laws in conflict with this act are hereby repealed to the extent that they affect the Roanoke Rapids Graded School District.

Sec. 3. This act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1971.

ROCKY MOUNT

1901—Chapter 53.

An act to establish graded schools in the town of Rocky Mount.

The General Assembly of North Carolina do enact:

Territory in and adjacent to Rocky Mount constituted a graded school district.

Section 1. That all the territory lying within the corporate limits of the town of Rocky Mount, and all that portion of Nash County not embraced within said corporate limits, but lying contiguous thereto within the following boundaries, to-wit: Beginning at that point where the southern boundary line of said town intersects the western boundary line of Hilliard street; thence southward along an extension of the boundary line of said street to that point where said line would intersect the new river road; thence eastward along said road to that point where the said line intersects the boundary line between the land of Jno. D. Bulluck and the land of the Davis heirs; thence southeastward along said line to that point where said line intersects the main line of the Wilmington and Weldon Railroad; thence northward along the line of said railroad to the southern boundary line of said town; thence westward along said line to the beginning, shall be, and are hereby constituted a public school district for white and colored children, to be known as "The Rocky Mount Graded School Distrct."

Name.

Tax laws, etc., of Rocky Mount extended to that portion of above boundary outside of town limits for purposes of this act.

Sec. 2. That, for the purposes and benefits of this act, the provisions of all laws governing the assessment of real and personal property, the levy and collection of municipal taxes, and the holding of municipal elections in the town of Rocky Mount, shall be, and are hereby extended to that portion of said graded school district lying without the corporate limits of said town,

as fully as if the same lay within said corporate limits; and that in all elections which shall be held under this act, that portion of said graded school district lying without said corporate limits, shall be deemed a ward of said town.

Graded School Trustees authorized to issue bonds.

Amount.

Interest.

Time and place payable.

Form.

Principal, payable when.

Requirements for issue.

SEC. 3. That the Board of Graded School Trustees, hereinafter provided for, shall be, and are hereby authorized and empowered to issue bonds of said graded school district to an amount not exceeding fifteen thousand dollars, of such denomination, and of such proportion as said Board of Trustees may deem advisable, bearing interest from the date thereof at a rate not exceeding six per centum per annum, with interest coupons attached, payable half-yearly, at such time or times, and at such place or places as may be deemed advisable by said Board of Trustees; said bonds to be of such form and tenor, and transferable in such way, and the principal thereof payable or redeemable at such time or times, not exceeding fifty years from the date thereof, and at such place or places as said Board of Trustees may determine: *Provided*, that said Board of Trustees shall issue such bonds at such time or times, and in such amount or amounts, as may be required to meet the expenditure hereinafter provided for in section 4 of this act.

Expenditure of proceeds.

SEC. 4. That the proceeds arising from the sale of said bonds, or such part thereof as may be necessary, shall be expended by said Board of Graded School Trustees in providing—by purchase or otherwise—such graded school buildings as may be required, and in furnishing the same with school furniture and other necessary equipment.

Price for bonds.

Use restricted.

SEC. 5. That none of said bonds shall be disposed of by sale, exchange, hypothecation, or otherwise, for a less price than their par value; nor shall said bonds, nor their proceeds, be used for any other purpose than that declared in section four of this act.

Not subject to town tax.

Coupons receivable for taxes, etc.

Coupons not to bear interest, unless presented for payment at proper time.

SEC. 6. That said bonds and their coupons shall not be subject to taxation by the town of Rocky Mount until after they shall have become due, and tender of payment shall have been made. And such coupons shall be receivable in payment of all taxes and other public dues of said town, for any fiscal year in which said coupons shall become due, or thereafter; and if any holder of said bonds or coupons shall fail to present the same for payment at the time or times, and at the place or places, therein named, he shall not be entitled to interest thereon for the time they shall have been outstanding after maturity.

Board of Commissioners of Rocky Mount to levy special tax on said graded school district.

SEC. 7. That, for the purpose of providing for the payment of said bonds and the interest thereon, and of defraying the expenses of the public graded schools provided for in this act, the Board of Commissioners of the town of Rocky Mount, shall annually and at the time of levying the municipal taxes, commencing with the fiscal year beginning the first day of June, nineteen hundred and one, levy and lay a particular tax on all persons and subjects of taxation within the limits of said graded school district, on which said Board of Commissioners may now or hereafter be authorized to lay and levy taxes for any purpose whatsoever; said particular tax to be not more than thirty-five cents on the one hundred dollars assessed valuation on property, and not more than one dollar and five cents on each taxable poll.

Amount of tax.

SEC. 8. That said taxes shall be collected by the Tax Collector of the town of Rocky Mount at the time and in the manner that the municipal taxes are collected; and said Tax Collector shall pay the same over to the Treasurer of said town, who shall keep such monies separate and apart from the municipal funds. And the Treasurer shall pay out said taxes and other funds which may come into his hands for the use of said graded schools, only upon the warrant of the chairman and Secretary of said Board of Graded School Trustees: *Provided*, that said Tax Collector and said Treasurer shall enter into bond in such amounts as said Board of Trustees may direct; that of the former conditioned for the faithful collection and paying over of said taxes and other funds that may come into his hands, for the use and benefit of said graded schools, and that of the latter for the safe keeping and proper disbursement of the same.

How collected.

Collector to pay over to Treasurer.

To be kept separate.

How paid out.

Bonds of Tax Collector and Treasurer.

SEC. 9. That the provisions of sections three and seven of this act shall be submitted to a vote of the qualified voters of said graded school district, at an election to be held on a day to be designated by the Board of Commissioners of the town of Rocky Mount immediatey after the ratification of this act. That thirty days' notice of such election, containing a copy of the provisions of sections three and seven of this act, or a synopsis of the same, shall be published in one or more weekly newspapers published in the town of Rocky Mount; and in all other respects said election shall be held and conducted under the provisions of the law governing the holding of municipal elections in said town. Those qualified voters approving the issue of bonds provided for in section three, and the levy and collection of the particular taxes provided for in section seven, of this act, shall deposit a ballot containing the written or printed words "For Schools," and those disapproving the same shall deposit a ballot containing the written or printed words "Against Schools." If a majority of such voters shall vote "For Schools," it shall be deemed and held that a majority of the qualified voters of said graded school district are in favor of granting to the aforesaid Board of Graded School Trustees, authority to issue such bonds, and to the Board of Commissioners of said town authority to levy such particular tax, and said Board of Trustees, and said Board of Commissioners, shall have such authority. But, if a majority of such qualified voters shall vote "Against Schools," then said Board of Trustees and said Board of Commissioners shall not have such authority: *Provided*, that the results of such election, duly ascertained in accordance with law, shall be enrolled among the public records of the town of Rocky Mount; and after thirty days from the date of such enrollment, such record shall not be open to attack, but shall be held and deemed conclusive evidence of the truth of the facts therein recited: *Provided further*, that if a

Sections 3 and 7, to be submitted to vote in said district.

Notice.

Publication of said sections.

Election, how held.

Form of ballots.

If majority of votes cast "for school," Trustees to issue bonds, etc.

Result of election enrolled.

When such record conclusive.

Other elections provided for.

Limit for elections.

majority of said qualified voters shall fail to vote in favor of issuing such bonds, and of levying such particular tax, said Board of Commissioners shall order another election, at any time after the expiration of six months from the date of the former election, when requested to do so by said Board of Trustees; and if, at such election, a majority of the qualified voters shall vote "For Schools," it shall have the same force and effect as if no election had been previously held: *Provided*, that no election shall be held under the provisions of this act, after the first day of July, 1902.

Board of Trustees.

Term of office.

Vacancies, how filled.

Amended, P.L. 1905, ch. 190, § 1

Article 7, Section 14 of Constitution not to apply to Trustees.

SEC. 10. That W. D. Morton, J. W. Hines, J. H. Baker, Jr., J. C. Braswell, T. T. Thorne, Thos. H. Battle, and L. V. Bassett, shall be, and are hereby constituted, a Board of Trustees for the public schools of said graded school district. That the first two of said Trustees shall hold office until the first Monday in July, nineteen hundred and three; the next three until the first Monday in July, nineteen hundred and five; and the last two until the first Monday in July, nineteen hundred and seven, and their successors, elected as hereinafter provided, shall hold for the term of six years each. [The vacancies occurring by reason of the expiration of the terms of office of the Trustees as aforesaid shall be filled by a majority vote of the other members of such Board of Graded School Trustees, holding over, acting in conjunction with the Board of Commissioners of the town of Rocky Mount. And for the purpose of filling such vacancies, said members of the Board of Trustees and said Board of Commissioners shall meet in joint session on the Monday immediately preceding the first Monday in July of each year in which any such vacancy is to occur: *Provided*, that any and all vacancies in said Board of Trustees, occurring by reason of death, resignation or otherwise than by expiration of term of office, shall be filled by the other members of said Board of Trustees: *Provided*, that the position of Trustee shall not constitute an office within the meaning of Article 7, section 14, of the Constitution of this State.]]

Body corporate.

Corporate name.

Corporate powers.

SEC. 11. That the said Board of Graded School Trustees and their successors, shall be, and are hereby constituted, a body corporate by the name and style of "The Board of Graded School Trustees of Rocky Mount:" and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire by gift, purchase or devise, real and personal property, hold, exchange, mortgage or sell the same, and exercise such other rights and privileges as are incident to other corporations. And said corporation shall have a corporate seal, which it may break and change at pleasure.

Duties of Trustees.

Appropriation of school funds.

SEC. 12. That it shall be the duty of said Board of Graded School Trustees to establish graded public schools for the white and colored children of said graded school district. And said Board of Trustees shall appropriate and use the funds derived from said particular taxes, and from other sources, in such manner as may be deemed just to both races, providing equal school facilities for each, due regard being paid, however, to the

Donations, how applied.

difference in the cost of maintaining said schools: *Provided*, that all donations to said schools shall be applied as directed by the donors.

Board of Trustees to have exclusive control of public school in said district.

Shall fix compensation of officers and teachers.

Take census.

Proviso as to No. 12 township, Edgecombe County.

Treasurer of Edgecombe school funds to pay over to Treasurer of Rocky Mount, funds of School District No. 1.

How disbursed.

SEC. 13. That said Board of Graded School Trustees shall have exclusive control of all public schools in said school district, free from the supervision and control of the County Boards of School Directors and the County Superintendents of Schools of Nash and Edgecombe Counties, shall prescribe rules and regulations, not inconsistent with this act, for their own government and for the government of such schools; shall prescribe the qualifications, employ and fix the compensation of all officers and teachers of such schools; shall cause to be taken from time to time, in accordance with the general school law of the State, an accurate census of the school population of said school district; and shall exercise such other powers as may be necessary for the successful control and operation of said graded schools: *Provided*, that the Board of School Trustees of No. 12 Township, Edgecombe County, is hereby authorized and empowered to carry on white and colored schools No. 1 of said township until June thirtieth, nineteen hundred and one; and to exercise over said schools all such powers as are herein conferred upon said Board of Graded School Trustees over the public schools in said graded school district: *Provided further*, that the treasurer of the Edgecombe County school funds shall, without delay, pay over to the Treasurer of the town of Rocky Mount all funds of said school districts No. 1, now in his hands, or which may hereafter come into his hands; and that the said Treasurer of the town of Rocky Mount shall, up to June thirtieth, nineteen hundred and one, disburse said funds upon the warrant of said Board of Township Trustees only, and thereafter as hereinbefore provided for the disbursement of other funds of said graded school district.

Disposition of school funds derived from State, and counties of Nash and Edgecombe for said district.

Public School property in said district transferred to Graded School.

Trustees may sell.

SEC. 14. That all public school funds derived from the State and from the counties of Nash and Edgecombe, for the use and benefit of the public schools in said graded school district, shall be paid over to the Treasurer of the town of Rocky Mount by the Treasurers of said counties, for the use and benefit of the graded public schools in said graded school district, except as hereinbefore provided in section 13, of this act; and the property, both real and personal, of the various public school districts embraced within the limits of said graded school district, shall become the property of the said graded school district, and the title thereto shall be vested in said Board of Trustees, in trust therefor: and said Board of Trustees may, in their discretion, sell the same, or any part thereof, and apply the proceeds to the use of the public graded schools to be established in said graded school district.

Incidental fee from students.

SEC. 15. That said Board of Graded School Trustees may, if in their judgment necessary for the maintenance of said graded schools, require from each pupil entered therein an incidental fee of not more than two dollars and fifty cents per annum, payable as said Board of Trustees may direct: *Provided*, that

How applied.

such fee shall be applied exclusively to the maintenance of such graded school as the pupil paying the same may attend.

Election of Superintendent.

Duties.

SEC. 16. That said Board of Graded School Trustees shall elect, annually, at least thirty days before the opening of the fall term of said graded schools, a Superintendent, who shall supervise the graded public schools of said school district, and exercise such other powers, and discharge such other duties as said Board of Trustees may prescribe.

Trustees to fix curriculum of studies; adopt text-books: provide extra instruction; fix rate of tuition; admit outside students.

Amended, P.L. 1905, ch. 190, § 2

SEC. 17. That said Board of Graded School Trustees are hereby authorized, in their discretion, to fix a curriculum of studies, and to adopt text-books for said graded schools; to provide for instruction other than that included in the prescribed course, and to fix the rate of tuition to be charged therefor; and to admit pupils residing without the limits of said graded school district, upon such terms as the said Board of Trustees may deem just and reasonable. [ ]

Trustees to make annual report.

SEC. 18. That it shall be the duty of said Board of Graded School Trustees, to make to the Mayor and Board of Commissioners of the town of Rocky Mount, annually, after the close of each school year, a full report of the operations of the graded public schools of said graded school district. And duplicate copies of said report shall be furnished to the County Superintendents of Schools of Nash and Edgecombe Counties.

Apportionment of school funds for said district, upon a per capita basis.

SEC. 19. That the several Boards of School Trustees, having authority under the general school law of the State, shall, in the apportionment of all public school funds to said graded school district, apportion the same upon a per capita basis.

Conflicting laws repealed.

SEC. 20. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 21. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 30th day of January, A. D. 1901.

1905—CHAPTER 190

AN ACT TO AMEND CHAPTER 53, PUBLIC LAWS OF 1901, ENTITLED "AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN OF ROCKY MOUNT."

The General Assembly of North Carolina do enact:

Additional trustees.

Amended, S.L. 1969, ch. 370

How vacancies filled.

SECTION 1. That section ten of chapter fifty-three of the Public Laws of one thousand nine hundred and one be amended by striking out all of said section after the word "each" in line eleven and substituting in lieu thereof the following: "In addition thereto Ed. Gorham, whose term of office shall expire on the first Monday in July, one thousand nine hundred and six; and Louis Wacksmuth, whose term of office shall expire on the first Monday in July, one thousand nine hundred and seven, are hereby constituted members of said board of trustees; [and their successors shall hold for the term of six years each]. That all vacancies occurring by reason of the expiration of the terms of office of the members of said board of trustees or otherwise shall be filled by the board of commissioners of the town of Rocky Mount: *Provided*, that the members of said board of trustees shall not be disqualified from holding any State, county or municipal office whatsoever.

SEC. 2. That section seventeen be amended by adding at the end thereof the following: "*Provided*, that all children of school age having parents residing within the limits of said school district, and all children without living parents, who shall themselves reside within the limits of said school district, shall be deemed to be residents thereof for the purposes of this act."

Proviso. Residents of school district.

SEC. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 15th day of February, A. D. 1905.

1949—CHAPTER 656

AN ACT TO AUTHORIZE THE ISSUANCE OF BONDS IN BEHALF OF ROCKY MOUNT CITY ADMINISTRATIVE UNIT UPON VOTE OF THE PEOPLE AND TO REGULATE THE PARTICIPATION OF SAID UNIT IN THE CAPITAL OUTLAY SCHOOL FUNDS OF NASH AND EDGECOMBE COUNTIES.

WHEREAS, the Rocky Mount Graded School District, created by Chapter 53 of the Public Laws of North Carolina of 1901 and comprising territory wholly within the City of Rocky Mount, was one of the school districts which, by the provisions of Section 4 of Chapter 562 of the Public Laws of 1933, were declared nonexistent except for the purpose of paying their existing indebtedness; and thereafter, pursuant to the provisions of said Section 4, the State School Commission created a new school district out of the territory of said Rocky Mount School District and classified such new school district as a city administrative unit, which new school district or city administrative unit has since been enlarged by procedure under general law, and its territory is now wholly within the City of Rocky Mount, although not in all respects coterminous with said city; and

Preamble: Rocky Mount Graded School District declared nonexistant by Public Law, 1933.

Creation of new district as city administrative unit.

Enlargement city administrative unit.

WHEREAS, the geographical situation of the City of Rocky Mount, lying in two counties, presents problems and complications to the County Commissioners of Nash and Edgecombe Counties in the financing of adequate school buildings in said city, which problems are different in kind or degree from those of any other municipality in the State; and

Complications arising due to geographical situation.

WHEREAS, representatives of the Board of Trustees of Rocky Mount City Administrative Unit have over a long period of time been in negotiation with the boards of county commissioners of said counties, seeking to arrive at an equitable, just and efficient plan to finance the school building needs of the City of Rocky Mount, and have reached an agreement concerning same, subject to legislative approval; and

Negotiations for equitable plan of financing school building needs of Rocky Mount unit.

WHEREAS, the circumstances applicable to the schools in the City of Rocky Mount justify a departure from the State-wide pattern of legislation for financing the erection of school buildings as applicable to the particular situation above referred to:

Departure from State-wide pattern for financing school projects justified.

Now, therefore,

The General Assembly of North Carolina do enact:

Rocky Mount City Administrative Unit, special election on issuance of school building bonds.

Form of question submitted.

Conduct of election.

Notice of election.

Contents of notice.

Publication of notice.

New registration.

Publication of notice of registration.

Challenge day.

Form of ballots.

SECTION 1. Whenever the Board of Trustees of the Rocky Mount City Administrative Unit (hereinafter referred to as "such district or unit") shall by resolution request the Board of Aldermen of the City of Rocky Mount to do so, said board of aldermen shall order a special election to be held in such district or unit for the purpose of voting upon the question of issuing bonds and levying a sufficient tax for the payment thereof, for the purpose of acquiring, erecting, enlarging, altering and equipping school buildings and purchasing sites in such district or unit, or for any one or more of said purposes. The form of the question to be voted upon shall be set forth in the resolution of said board of trustees requesting that said election be ordered. In all such elections the Board of Aldermen of the City of Rocky Mount shall designate the polling place or places, appoint the registrars and judges, and canvass and judicially determine the results of the election upon the filing with it of the election returns by the officers holding the election, and shall record such determination on their records. The notice of election shall be given by publication at least three times in some newspaper published or circulating in such district or unit. The notice shall state the date of the election, the place or places at which the election will be held, the boundary lines of such district or unit, unless such district or unit shall then be coterminous with the City of Rocky Mount (in which event the notice shall so state), the maximum amount of bonds to be issued, and the fact that a sufficient tax will be levied on all taxable property within such district or unit for the payment of the principal of and interest on the bonds. The first publication of the notice shall be at least thirty days before the election. A new registration of the qualified voters of such district or unit shall be ordered and notice of such new registration shall be deemed to be sufficiently given by publication once in some newspaper published or circulating in such district or unit at least thirty days before the closing of the registration books; *provided, however,* that in the event that there shall be two such elections in any one ten-year period during which the boundaries of such district or unit shall not have been changed, then there need not be a new registration required for the second election, and in such case due provisions shall be made for the registration of any new voters and their addition to the registration lists. The notice of registration may be considered one of the three notices of election required by this Section. Such published notice of registration shall state the dates on which the books will be opened for registration of the voters and the place or places at which they will be opened on Saturday. The books of such new registration shall close on the second Saturday before the election. The Saturday before the election shall be challenge day. Except as otherwise provided in this Act, such election shall be held in accordance with the laws governing municipal elections of the City of Rocky Mount. The form of the question, as stated on the ballots, shall be in substantially the following words: "For the issuance of $.................... School Bonds and the levying of a sufficient tax for the payment thereof," and "Against the issuance of $.................... School Bonds and the levying of a sufficient tax for the payment thereof." Such affirmative and negative form may be printed upon separate ballots or both thereof may be printed on one ballot, with accompanying squares opposite the affirmative and the negative forms, in one of which squares the voter may make a cross (X) mark.

Printing of ballots.

Tabulation of votes.

Declaration of results of election.

Statement of results.

SEC. 2. At the close of the polls the election officers shall count the votes and make returns thereof to the Board of Aldermen of the City of Rocky Mount, which board shall, as soon as practicable after the election, judicially pass upon the returns and judicially determine and declare the results of such election, which determination shall be spread upon the minutes of said board. Said board of aldermen shall prepare a statement showing the number of votes cast for and against the bonds and declaring the result of the election, which statement shall be signed by the Mayor and attested by the Clerk of the City of Rocky Mount, and said clerk shall record it in the minutes of said board of aldermen and file the original in his office, and publish it once in a newspaper published or circulating in such district or unit.

Limitation on actions contesting validity of election.

SEC. 3. No right of action or defence founded upon the invalidity of such election shall be asserted, nor shall the validity of such election or the right or duty to levy a sufficient tax for the payment of the principal of and interest on such bonds be open to question in any court upon any ground whatsoever, except in an action or proceeding commenced within thirty days after the publication of such statement of results as provided in the preceding Section.

Issuance of bonds in event of majority vote therefor.

Provision for payment of bonds.

Form and denomination of bonds.

Serial bonds.

SEC. 4. If a majority of the votes cast shall be in favor of the issuance of such bonds and the levy of such tax, then the Board of Aldermen of the City of Rocky Mount may provide by resolution, which resolution may be finally passed at the same meeting at which it is introduced, for the issuance of such bonds, which bonds shall be issued in the name of the City of Rocky Mount on behalf of the Rocky Mount City Administrative Unit, and shall be made payable exclusively out of the taxes to be levied in such district or unit, except that the board of trustees of such district or unit may pay from capital outlay funds received from Nash County or Edgecombe County any part of the principal of or interest on said bonds. Said bonds shall be issued in such form and denominations, and with such provisions as to the time, place and medium of payment of principal and interest as the Board of Aldermen of the City of Rocky Mount may determine, subject to the limitations and restrictions of this Act. They may be issued as one issue, or divided into two or more separate issues, and in either case may be issued at one time or in blocks from time to time. When bonds are to be issued, they shall be serial bonds and each issue thereof shall so mature that the aggregate principal amount of the issue shall

Rate of interest.

Execution of bonds.

Interest coupons.

Time within which bonds may be issued.

Bonds to be obligation of City Administrative Unit.

be payable in annual installments or series, beginning not more than three years after the date of the bonds of such issue and ending not more than thirty years after such date. No such installment shall be more than two and one-half times as great in amount as the smallest prior installment of the same bond issue. The bonds shall bear interest at a rate not exceeding six per cent per annum, payable semiannually, and may have interest coupons attached, and may be made registerable as to principal or as to both principal and interest, under such terms and conditions as may be prescribed by said board of aldermen. They shall be signed by the Mayor of the City of Rocky Mount and the seal of said city shall be affixed to or impressed upon each bond and attested by the City Clerk of the City of Rocky Mount; and the interest coupons shall bear a facsimile signature of the City Clerk of the City of Rocky Mount in office at the date of said bonds or at the delivery thereof. The delivery of bonds so executed shall be valid notwithstanding any change in the officers or in the seal of the City of Rocky Mount occurring after the signing and sealing of the bonds. After the resolution of the board of aldermen takes effect, bonds may be issued in conformity with its provisions at any time within five years after the passage of such resolution, unless such resolution shall have been repealed, which repeal is permitted unless notes issued in anticipation of the proceeds of the bonds shall be outstanding. Said bonds shall be obligations of the Rocky Mount City Administrative Unit and not obligations of the City of Rocky Mount.

Special tax levy on property in unit authorized.

Collection and application of taxes.

SEC. 5. The Board of Aldermen of the City of Rocky Mount is hereby authorized and directed to levy annually a special tax, ad valorem, on all taxable property in such district or unit, sufficient to pay the principal of and interest on all bonds issued under this Act, as such principal and interest become due, *provided however*, that such tax may be reduced by the amount of other moneys appropriated and actually available for said purpose. Said taxes shall be collected in the same manner as other taxes levied by the City of Rocky Mount and shall be applied solely to the payment of the principal of and interest on such bonds.

Limitation on amount of outstanding bonds.

SEC. 6. The total amount of bonds at any one time outstanding issued under this Act, plus the total amount of bonds of the Rocky Mount Graded School District then outstanding, shall not exceed eight per cent of the assessed valuation of taxable property within the boundaries of such district or unit as last fixed for taxation by the City of Rocky Mount.

Powers conferred by Act declared supplemental.

SEC. 7. The powers conferred by this Act with respect to the issuance of bonds shall be regarded as supplemental and in addition to powers conferred by other laws.

Act constitutes authority for proceedings authorized.

SEC. 8. This Act shall constitute full authority for the things herein authorized with respect to the issuance and payment of bonds, and no proceedings, publications, notices, consents, or approval shall be required for the doing of such things except such as are herein prescribed and required, and except that the

Application of Local Government Act.

Regularity and validity conclusively presumed.

provisions of the Local Government Act then in force as to the approval of the issuance of bonds and endorsements of such approval upon bonds, and disposition of the proceeds, shall be applicable to bonds authorized by this Act. The proceeds shall be paid out only upon order of the board of trustees of such district or unit. Any bonds reciting that they are issued pursuant to this Act shall in any action or proceeding involving their validity be conclusively deemed to be fully authorized by this Act and to have been issued, sold, executed, and delivered, in conformity herewith and with all other provisions of the statute applicable thereto and shall be incontestable, anything herein or in any other statutes to the contrary notwithstanding, unless such action or proceeding is begun prior to the delivery of such bonds.

Agreement as to payment of outstanding bonds of Rocky Mount Graded School District unaffected.

SEC. 9. This Act shall in no wise affect an agreement heretofore made between the Board of Trustees of Rocky Mount Graded School District and the Boards of County Commissioners of Nash and Edgecombe Counties by which each of said counties agreed to furnish from time to time to the Board of Trustees of Rocky Mount Graded School District one-half of the amount necessary to pay principal of and interest on the bonds of Rocky Mount Graded School District now outstanding and unpaid. Said counties shall not be required at any future time to assume the payment of bonds hereafter issued under the authority of this Act, but nothing herein shall prevent said counties from assuming such payment.

Budgets for capital outlay.

SEC. 10. Budgets for capital outlay as required to be submitted by city administrative units to county commissioners, as set forth in G. S. 115-363, shall be submitted for purpose of information by the board of trustees of such district or unit to the Boards of County Commissioners of Nash and Edgecombe Counties.

Apportionment of county-wide capital outlay school funds on enrollment basis.

Participation of administrative unit in capital outlay school funds.

Procedure in event of change in present law governing distribution of funds.

SEC. 11. All county-wide capital outlay school funds coming into possession of the Board of County Commissioners of Nash and Edgecombe Counties, or either of them, whether such funds be derived from taxes, proceeds of bonds or notes, appropriations from profits of the Alcoholic Beverage Control Stores, loans or grants from State or Federal governments, or any subdivision or agency thereof, or from any other source whatever, shall be apportioned, so far as respects the proper share of such district or unit, not on the budget basis designated by G. S. 115-363 for capital outlay funds, but upon the per capita enrollment basis as provided in the preceding paragraph of G. S. 115-363 for county-wide expense funds. The county-wide enrollment basis determined by the State Board of Education, based upon residence and irrespective of location of school attended, and certified to administrative units for distribution of current expense funds, shall, in respect of capital outlay school funds available to the County Commissioners of Nash and Edgecombe Counties from all sources, govern the participation of said administrative unit in such capital outlay funds. In case there shall hereafter be a change in the present law governing the distribution of

Procedure in event of disagreement as to percentage of participation.

Monthly remittance of funds.

current expense funds so that the procedure herein provided for determining such district's or unit's proportion of capital outlay funds shall no longer be available, then the board of trustees of such district or unit and the boards of commissioners of said counties are directed to endeavor to agree upon a substitute formula for determining the amount of said district's or unit's participation in the county capital outlay funds. In case of disagreement, the Resident Superior Court Judge of the judicial district which includes such district or unit is hereby authorized to determine after notice and hearing the percentage of participation to which such district or unit is entitled as near as may be in accordance with the standard of participation provided by this Act, and said counties are directed to make distribution accordingly. Funds due to such district or unit of such counties shall be remitted monthly as such funds become available to said counties, whether from the collection of taxes, issuance of bonds, or other receipts.

Rights of bondholders unaffected.

SEC. 12. The right of such district or unit to receive from Nash and Edgecombe Counties a proportion of their capital outlay funds shall in no wise affect or limit the obligation of such district or unit to the holders of bonds issued pursuant to this Act.

Use of capital outlay funds.

SEC. 13. Capital outlay funds when received from Nash County or Edgecombe County may be used either for the payment of the principal of and interest on bonds issued under this Act, or for the purpose of making capital expenditures for the school system in such district or unit, as the board of trustees of such district or unit may determine.

Contract of loans from State or Federal governments.

SEC. 14. The board of trustees of such district or unit are hereby authorized to contract loans from the State and Federal governments or any subdivisions or agencies of either, and to enter into such contracts as may be necessary to receive such loans and to receive grants. A vote of the people shall not be required for the contracting of such loans unless the lending authority or agency shall require the same, or unless the levying of taxes upon property in such district or unit shall be required in connection with the payment of such loans or interest thereon. Such loans shall not be included in determining the debt limitation hereinbefore set forth unless the payment of such loans may involve the use of the taxing power.

Application of provisions of G. S. 115-159.

SEC. 15. The provisions of G. S. 115-159 are applicable to such district or unit and the Board of Aldermen of the City of Rocky Mount are directed to perform the duties imposed by said statute upon "the commissioners" therein referred to.

Allotment of funds for enumerated expenditures.

SEC. 16. The State Board of Education, in allotting funds for the expenditures enumerated in G. S. 115-356, shall deal directly with the board of trustees of such district or unit.

Application of provisions of G. S. 115-363.

SEC. 17. Provisions in G. S. 115-363 are applicable to such district or unit as modified only by the provisions of this Act.

Payment of proceeds of insurance policies in case of loss or damage to buildings, etc.

SEC. 18. In case of loss of or damage to school buildings or equipment in such district or unit, the proceeds of insurance policies covering such property shall be payable to the treasurer of such district or unit and may be used by the board of trustees for repairs, restoration, new buildings, equipment, or retirement of outstanding indebtedness, as said board of trustees may deem wise.

SEC. 19. Such district or unit shall participate in the current expense funds and any other general school funds of Nash and Edgecombe Counties to the same extent as any other city administrative unit would do.

Participation in general school funds of Nash and Edgecombe Counties.

SEC. 20. The authority of the Board of Aldermen of the City of Rocky Mount to levy supplemental taxes upon the property in such district or unit for the operation of the schools thereof in consequence of an election heretofore held, as said right may be hereafter modified by procedure under general law, shall in no wise be limited by this Act. The tax levying authorities of the City of Rocky Mount are hereby declared to be the tax levying authorities of such district or unit within the meaning of Chapter 115 of the General Statutes.

Authority to levy supplemental taxes not limited by this Act.

Tax levying authorities of district.

SEC. 21. All laws and portions of laws in conflict with this Act are hereby repealed, but only to the extent of said conflict.

Conflicting laws repealed.

SEC. 22. This Act shall be in force from and after July 1, 1949.

Effective date.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

1969 CHAPTER 370

AN ACT ALTERING THE TERMS OF OFFICE OF MEMBERS OF THE ROCKY MOUNT CITY BOARD OF EDUCATION AND PROVIDING FOR STAGGERED TERMS OF OFFICE FOR SUCH MEMBERS.

The General Assembly of North Carolina do enact:

Section 1. Henceforth, the terms of office of members of the Rocky Mount City Board of Education shall be for periods of three years: *Provided.* that this Act shall have no effect upon any terms of office presently held by members of the Rocky Mount City Board of Education and: *Provided further.* that the two vacancies to be created by expiration of those terms of office expiring on June 30, 1974, shall be filled by interim appointments thereto for a period of one year, to expire June 30, 1975. With the exception of the above one-year terms, all appointments hereafter to expired terms on the Rocky Mount City Board of Education shall be for a period of three years, it being the express intention of this Act that three terms on the Rocky Mount City Board of Education shall expire each year.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of April, 1969.

SAINT PAULS

1953—CHAPTER 785

AN ACT TO CREATE AND ESTABLISH THE SAINT PAULS CITY ADMINISTRATIVE UNIT AND TO PROVIDE FOR ITS OPERATION.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created a city administrative unit within the contemplation of G. S. 115-8 of the General Statutes of North Carolina, to be known as the Saint Pauls City Administrative Unit, which shall include that portion of Saint Pauls, Howellsville, Rennert, Lumber Bridge, and Saddle Tree Townships now constituting and being a part of Robeson County School District No. 5, as defined by the Board of Education of Robeson County.

Sec. 2. The general adminstration and supervision of said unit shall be under the control of a board of trustees or school commissioners, the names of which trustees and their terms of office are hereinafter set forth, and with a city superintendent as administrative officer. The children attending the schools of said city administrative unit shall include those who attended schools located in said territory prior to the creation of the Saint Pauls City Administrative Unit.

Sec. 3. The powers of said city administrative unit may be changed from time to time by the recommendation of the Robeson County Board of Education and Board of Trustees of said city administrative unit herein established, with the approval of the State Board of Education.

[**Sec. 4.** The Board of Trustees of Saint Pauls City Administrative Unit shall be composed of five members, all of whom shall reside in the above described school district.

Amended,
S.L. 1955,
ch. 452

Sec. 5. The following persons shall serve as trustees until the first Monday in May, 1955, and until their successors are named and qualified, to wit: Gurney S. Kinlaw, W. D. McCormick, D. C. McEachern, Graham Smith, T. J. Allen, Jr. Their successors shall be elected by the voters of the territory comprising the Saint Pauls City Administrative Unit at the general election in November, 1954, in the same manner as the members of the House of Representatives are elected and shall be elected each two years thereafter. The unexpired term of any trustee may be filled by appointment of the remaining trustees until the next general election.]

Sec. 6. The relationship between the Saint Pauls City Administrative Unit and the County Board of Education shall be the same as now exists between the several county boards of education and the several city administrative units within the county under the general laws applicable thereto.

Sec. 7. All funds of said Saint Pauls City Administrative Unit shall be handled and distributed by the Saint Pauls City Administrative Unit as provided under the pertinent General Statutes of North Carolina.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1953.

1955—CHAPTER 452

AN ACT REWRITING SECTIONS 4 AND 5, CHAPTER 785, SESSION LAWS OF 1953, RELATING TO THE ELECTION OF MEMBERS OF THE ST. PAULS CITY SCHOOL BOARD.

The General Assembly of North Carolina do enact:

Section 1. That Section 4, Chapter 785, Session Laws of 1953, be and the same is hereby rewritten to read as follows:

"Sec. 4. The governing body of the St. Pauls City Administrative School Unit shall be a Board of Education, consisting of six members, which shall be a body corporate by the name and style of 'the St. Pauls City Board of Education'. All of the members of said board of education shall reside within the limits of said administrative school unit and shall be qualified electors within said area."

Sec. 2. That Section 5, Chapter 785, Session Laws of 1953, be and the same is hereby rewritten to read as follows:

"Sec. 5. The present members of the Board of Trustees of the St. Pauls City Administrative School Unit shall continue in office until the members of the board of education, provided for in this Section, shall take office following their election as provided for herein. Members of the board of education of said administrative unit, provided for in this Section, shall be elected by the qualified voters at a special election to be held on the first Tuesday in February, 1957, and annually thereafter. Said election shall be held in one of the school buildings located within said administrative school unit, to be designated by said board of education or board of trustees. Said board shall give notice of said election by posting a notice at each school building located within said unit, and at three other public places within said unit or by publishing such notice one time in a newspaper circulating within said administrative unit not later than January 10th preceding the election. The board of education or board of trustees shall appoint the registrar and judges of such election and shall provide for permanent registration books for such election. The registration books shall open on the third Saturday before such election and shall remain open for two Saturdays for the registration of voters. The last Saturday before the election shall be challenge day. Said election shall be conducted on a nonpartisan basis and any qualified elector residing within the limits of said administrative school unit shall be eligible for election to membership on said board of education, provided he files notice of his intention to become a candidate on or before the 20th day of January, next preceding said election. At the election held in February, 1957, the two candidates receiving the highest number of votes shall be elected to said board for a term of three years; the two receiving the next highest number of votes shall be elected for a term of two years; the two receiving the next highest number of votes shall be elected for a term of one year. Provided, however, that in event the vote of any three or more should be tied, then those members shall cast lots for said office. Thereafter, the term of office of each member of said board shall be three years. At the annual election provided herein beginning with the election of 1958, at which time two members of said board will be elected, and at each subsequent election thereafter, in event two candidates, or either of them, fail to get a majority of the votes cast, the runner-up may call for a second election provided he files written notice with said board within forty-eight (48) hours after the results of the first election have been declared. In event a runner-up calls for a second election, said board is hereby authorized and empowered to hold an election on the following Tuesday according to the same rules and regulations governing the first election. The laws, rules, and regulations governing the board of elections of Robeson County, not in conflict herewith, shall govern elections herein authorized. Vacancies on said board occurring by reason of death, resignation, or otherwis than by the expiration of the term of office, shall be filled for the unexpired term by appointment of the remaining members of the board. Members elected to said board shall take office one week following the election. At the first regular meeting after the newly elected members have qualified, the board shall organize by electing from among its members a chairman who shall serve for one year, and a treasurer who need not necessarily be a member of said board, and by adopting such bylaws as said board may deem necessary and proper. Said board shall hold regular monthly meetings, and may meet in special session upon the call of the chairman or of the secretary as often as the school business of said administrative unit may require."

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

[Chapter 1228, 1971 S.L. authorizing boards of education in Robeson County to enter into long-term leases, lease-backs and lease-purchase agreements is set out at the end of the local acts affecting the Lumberton City Administrative Unit]

SALISBURY

1921—Chapter 131

AN ACT RELATING TO THE PUBLIC SCHOOLS OF THE CITY OF SALISBURY.

The General Assembly of North Carolina do enact:

Establishment and operation of school system.

Sites and buildings.

City board of education.

Bonds and school taxes.

Control and management of system.

Proviso: sale of school property.

Section 1. The city of Salisbury is hereby authorized to establish, maintain and operate a system of public schools for said city, and shall have power to do all things necessary or convenient for said purpose, including the power to acquire, by gift, devise, purchase or condemnation, and to improve lands for school purposes, and to construct, reconstruct, alter, furnish and equip, buildings for school purposes. All of the powers of the city of Salisbury relating to its public schools, shall be exercised by the city board of education of the city of Salisbury, created by this act, except the power to issue bonds and levy and collect taxes for school purposes, which latter powers shall be exercised by the board of aldermen of said city, except as hereinafter provided. The said city board of education of the city of Salisbury shall have the entire control and management of the public school system and public school property and funds of said city: *Provided, however,* that public school property shall be sold or transferred only by the board of aldermen of said city and in the manner provided by the charter of said city for the sale or transfer of other city property.

School committees abolished.

Sec. 2. The present school committee of the city of Salisbury, created by the charter of said city, is hereby abolished. The present school committee of Special School Tax District, Number Ten, Salisbury Township, is also hereby abolished, and all powers

Transfer of powers and duties.

and duties of said school committees are hereby transferred to the city board of education of the city of Salisbury, which powers and duties shall be exercised and performed by said city board of education for so long as Special School Tax District, Number Ten, Salisbury Township, shall remain in existence, and no longer.

Board created.

Constituents and appointment.

Beginning of term of office.

Length of term.

Amended, S.L. 1971, ch.270

Election of successors.

Term of office.

Vacancies.

Proviso: temporary appointment.

SEC. 3. A body to be known as the city board of education of the city of Salisbury is hereby created. The said board shall consist of nine members, to be divided into three classes of three members each, to be appointed by the board of aldermen of the city of Salisbury. The term of office of all members shall begin on the first Tuesday of June, one thousand nine hundred and twenty-one. The term of office of members of the first class shall continue for a term of two years, the term of office of members of the second class for a term of four years, and the term of office of members of the third class for a term of six years from said date. At the expiration of the term of office of members of each class the board of aldermen shall appoint their successors for a term of [six years] and shall thereafter appoint the successors of the members of all three classes, as herein provided, for a term of six years, said appointments to be made by the board of aldermen at their first regular meeting in June of each year when any of said terms shall expire; and whenever any vacancy shall occur in the city board of education during the term of office of any member thereof, the board of aldermen shall immediately thereafter appoint a successor to fill the vacancy for the remainder of the unexpired term: *Provided*, that the members of the present school committee of the city of Salisbury and members of the present school committee of Special School Tax District, Number Ten, Salisbury Township, shall constitute the membership of the city board of education until the first Tuesday of June, one thousand nine hundred and twenty-one, unless otherwise disqualified by the provisions of this act.

Acts in name of city.

Execution of contracts.

Rights to sue and be sued.

SEC. 4. All property acquired by the city board of education of the city of Salisbury, and all contracts made by said board, shall be acquired and made, as the case may be, in the name of the city of Salisbury. Such contracts shall be signed on behalf of the city by the chairman and secretary of said city board of education. The said board shall have power to institute, prosecute and defend suits in the name of the city involving any matter under the control of the board.

Rules and regulations for management of schools.

Separate schools for races.

Elementary and high schools.

SEC. 5. The city board of education of the city of Salisbury shall make all necessary rules and regulations, not inconsistent with this act, for the conduct of the business of said board, and the management of the public schools of the city. The city board of education shall provide throughout the city a uniform system of public schools of two kinds: those for white and those for colored children. The public schools provided shall include at least elementary schools and one or more high schools, but the city board of education may establish and maintain such other types of schools and educational activities as in its judgment will promote the educational interests of said city.

Annual meetings. **Regular meetings.** **Special meetings.**

SEC. 6. The city board of education of the city of Salisbury shall hold an annual meeting each year on the second Tuesday of June. It may also hold regular or stated meetings at such times as may be fixed by rules adopted by said board. It may also hold special meetings at any time upon the call of the chairman or any three members of said board.

Organization.

SEC. 7. At its annual meeting on the second Tuesday of June in each year, said city board of education shall elect one of its members as chairman of said board, and another member as vice-chairman, and shall elect or require to be appointed from its membership, and shall prescribe the duties of such committees as the business of the board may require.

City superintendent of schools. **Secretary to board.** **Vacancy.** **Powers and duties of superintendent.**

SEC. 8. The city board of education shall appoint and fix the salary of a city superintendent of schools as an executive officer, who shall be ex officio the secretary of the city board of education. In case of vacancy in the office of city superintendent of schools, the board may elect one of its own members to act temporarily as secretary. The city superintendent of schools shall have such powers and duties as the city board of education may prescribe.

Appointment and salaries of principals, supervisors, and teachers.

SEC. 9. The city board of education shall appoint and fix the salaries of all principals, supervisors, teachers, and other regular employees of the schools under its jurisdiction.

Appointment and salary of treasurer. **Moneys paid over to treasurer.** **Monthly settlements.**

SEC. 10. The city board of education shall at its regular annual meeting in the year one thousand nine hundred and twenty-one, and biennially thereafter, appoint a treasurer of the said board at a salary to be fixed at the time of his appointment. All moneys raised for school purposes in the city of Salisbury, and all moneys to which the city board of education is entitled by the Constitution of the State or by law, or which should in any way come under its control, shall be paid over by the proper authorities to the treasurer of the city board of education in accordance with law; and the city tax collector or other municipal officer or officers of the city of Salisbury shall pay over monthly to the treasurer of the city board of education all moneys coming into their hands to which the city board of education may be entitled under this act or by authority of any other law.

Treasurer to give bond. **Guaranty of bond.** **Treasurer to preserve records and turn over moneys.** **Audit.**

SEC. 11. Before entering upon the duties of his office the treasurer shall file with the city board of education a bond, to be paid for by the city board of education, in amount to be determined by the board, as surety for the faithful performance of his duties. Said bond shall be guaranteed by a surety company authorized to do business in the State and made payable to the city board of education. The treasurer of the city board of education shall preserve all records relating to the transactions and duties of his office, and shall, at the expiration of his term of office, turn over all public school funds in hand, and all accounts and records, after due and proper audit by a competent auditor, to his successor.

City school budget. **Certificate.**

SEC. 12. Not later than thirty days prior to the usual time taxes are levied by the board of aldermen of the city of Salisbury, the city board of education shall prepare an itemized city school budget, as provided by law or by the rules and regulations of the State board of education, to be certified to by the

Special city school tax.

Proviso: tax rates.

chairman and the secretary of the city board of education and presented to the board of aldermen not later than ten days prior to the usual time of levying taxes in the city of Salisbury. The board of aldermen shall thereupon, at the usual time of levying other city or municipal taxes, levy a special city school tax on all property, real and personal, and on all taxable polls, in the city of Salisbury, sufficient to supply the funds needed to be raised by special city or municipal taxation, as shown by said budget, in addition to funds to be derived from all other sources: *Provided*, that the rate of taxation to produce the estimated amount required to be raised by special city school taxes, exclusive of debt service, shall not exceed the maximum rate authorized by law and approved by the qualified voters of the city of Salisbury.

Levy of tax.

Tax receipts.

SEC. 13. All city school taxes shall be levied at the same time and in the same manner as other city taxes are levied. The amount of such taxes which each tax payer shall be required to pay shall be entered upon a separate tax receipt, on which shall be printed "City School Taxes," and which shall show in separate items the amount of property tax and the amount of poll tax respectively, and the total amount of city school taxes.

Expenditure of school money.

Vouchers.

SEC. 14. No expenditure of moneys raised or received for school purposes of the city of Salisbury, whether derived from the sale of bonds, from the issuance of notes, the levying of taxes, or otherwise, shall be made except upon the order of the city board of education, and the treasurer of the board shall make payments out of such school funds only on written order signed by the chairman and the secretary of said board.

Power to borrow money.

Proviso: payment of loans.

Proviso: limit of loans.

Notes for loans.

Form and authentication of notes.

Renewal.

Sale.

Interest.

SEC. 15. If for any reason the current funds in hand are not sufficient to meet the current expenses of the city board of education, said board may borrow money in the name and on the credit of the city, in anticipation of receipts from taxes to meet such current expenses: *Provided*, that all current loans shall be paid within the fiscal school year in which such loans are made or within the next succeeding year, and shall be paid from funds derived from the taxes levied and collected for the current support of the schools: *Provided further*, that no current loan shall be made by the city board of education in excess of the anticipated income from taxes levied and to be collected from all sources of that fiscal school year. Notes of the city of Salisbury shall be issued for all moneys borrowed under this section. Such notes shall be issued in such form and signed by such officers as the city board of education shall direct. They may be renewed from time to time, but all such renewal notes shall mature within the time limited by this section for the payment of the original loan. They may be disposed of by public or private negotiation. No money shall be borrowed under this section at a greater rate than six per cent per annum.

Fiscal year.

SEC. 16. The fiscal school year shall begin on the first day of June and end on the thirty-first day of May next succeeding.

Annual audits.

SEC. 17. The city board of education shall provide each year for a complete audit, by a competent outside auditor, of its business and financial transactions during the preceding fiscal school year.

Annual reports.

Sec. 18. The city board of education shall cause to be prepared and published annually a report covering the conditions, current accomplishments, and needs for improvement of the schools, including a statement of the business and financial transactions of the board.

Procedure for condemnation of land.

Sec. 19. In exercising the power of the city of Salisbury to condemn lands or rights in lands for school purposes, the city board of education shall do so in the same manner and by the same proceedings as are provided by law for the condemnation of lands for rights-of-way by railroad companies.

Order for election.

Question to be voted on.

Tax rate.

Sec. 20. The board of aldermen of the city of Salisbury is hereby directed, upon request or petition of the city board of education of the city of Salisbury to order an election to be held at such time as may be designated by the city board of education of the city of Salisbury, to ascertain the will of the people within the city of Salisbury whether there shall be levied in said city a special annual tax not to exceed fifty cents on the one hundred dollar valuation of property, and not to exceed one dollar and fifty cents on the polls, on all property and polls subject to taxation in said city of Salisbury for the purpose of paying the cost and expense of operating and maintaining public schools in said city.

Law governing election.

New registration.

Ballots.

Effect of election.

Tax additional.

Sec. 21. Said election shall be held under the supervision of the board of aldermen of the city of Salisbury, and in all particulars other than those specifically provided for in this act, shall be held and conducted and the qualification of voters at the election determined as nearly as may be practicable in accordance with provisions of the municipal finance act relating to elections on bond issues. For said election there shall be a new registration of qualified voters of the city of Salisbury for both bonds and special tax. At said election, those who are in favor of the levy and collection of said taxes shall vote a ballot on which shall be printed or written the words "For Special Tax" and those who are opposed shall vote a ballot on which shall be written or printed the words "Against Special Tax." In case a majority of qualified voters at said election shall be in favor of said tax the same shall be levied and collected in the same manner as is now prescribed by law for the levy and collection of other taxes of the city of Salisbury and shall be paid over by the tax collector of the city of Salisbury to the treasurer of the city board of education of the city of Salisbury. The said tax shall be in addition to all other taxes authorized by law to be levied in the city of Salisbury.

Further elections.

Sec. 22. That in case a majority of the qualified voters at said election cast ballots against special tax, then and in that event the board of aldermen of the city of Salisbury is hereby authorized, upon petition of the city board of education of the city of Salisbury to order another election for the same purpose as herein set forth, said election to be held in the manner provided for in the last preceding section of this act, and if said special tax is authorized under such new election it shall be levied and collected as provided for in this act.

Election officers.

Sec. 23. That if any other election or elections shall be held on the same day as the election herein provided for, the same

Registration.

election officers may be appointed to hold and may hold and conduct all such elections, and the same registration may be used for all such elections.

Bond issue authorized.

Amount.

Purpose.

Special tax.

Issuance.

Ordinance for bond issue.

Ordinance submitted to election.

Time for election.

Bonds not included in debt statement.

Construction of buildings.

SEC. 24. The city of Salisbury is hereby authorized to issue bonds of said city in an aggregate principal amount not exceeding five hundred thousand dollars ($500,000.00), for the purpose of constructing, reconstructing, altering, furnishing and equipping buildings for school purposes, or acquiring or improving lands for school purposes, within the corporate limits of said city, or for any one or more of said purposes, and is hereby further authorized to levy annually on all taxable property in said city, a tax sufficient to pay the interest and principal of said bonds as such interest and principal falls due. The said bonds shall be issued in the manner provided by the municipal finance act for the issuance of bonds of cities and towns, except as herein otherwise provided. Upon the request of the city board of education of the city of Salisbury, the board of aldermen of said city shall forthwith adopt an ordinance authorizing the issuance of said bonds in such maximum amount as may be stated in the request of the city board of education of the city of Salisbury, and for such purpose or purposes as shall be stated in said request, which ordinance shall also authorize the levying of a sufficient annual tax to pay said bonds, as provided in the municipal finance act, and shall forthwith submit said ordinance to the voters of the city of Salisbury at an election. Such election may be held at any time, notwithstanding any other law prescribing the time for holding such elections. Bonds issued under this act need not be included in any debt statement required by the municipal finance act to be filed prior to the passage of any ordinance authorizing a bond issue. If any ordinance authorizing a bond issue under this act for school buildings, does not state the kind of construction of such buildings, the city board of education may determine by resolution the kind of construction, and such determination shall be conclusive for the purpose of fixing the period for which the bonds shall run.

Abolition of school district.

SEC. 25. Upon the approval by a majority of the qualified voters of the city of Salisbury of the special tax authorized by this act, the county board of education of Rowan County may abolish Special School District, Number Ten, Salisbury Township: *Provided*, all indebtedness of said Special School District, Number Ten, is assumed by the city board of education of the city of Salisbury.

Constitutionality.

SEC. 26. If any portion of this act shall be declared unconstitutional, the remainder shall stand.

Repealing clause.

SEC. 27. All laws and parts of laws in conflict with this act are hereby repealed.

SEC. 28. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A.D. 1921.

1971 - CHAPTER 270

AN ACT TO AMEND CHAPTER 131 OF THE PRIVATE LAWS OF THE 1921 SESSION RELATING TO THE TERM OF OFFICE OF MEMBERS OF THE SCHOOL BOARD OF THE SALISBURY CITY SCHOOL ADMINISTRATIVE UNIT.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding the provisions of Section 3, Chapter 131 of the Private Laws of the 1921 Session or any other provision of law, the members of the School Board of the Salisbury City School Administrative Unit shall be appointed by the City Council of the City of Salisbury for a term of four years, except that (1) upon the expiration of the terms of three members on June 30, 1971, two members shall be appointed for a term of one year and one member shall be appointed for a term of three years; (2) upon the expiration of the terms of the three members on June 30, 1973, one member shall be appointed for a period of only one year. Provided that the members of the present School Board of the Salisbury City School Administrative Unit shall continue to serve the remainder of their unexpired term. Whenever any vacancy shall occur in the School Board during the term of office of any member thereof, the City Council of the City of Salisbury shall immediately thereafter appoint a successor to fill the vacancy for the remainder of the unexpired term.

Sec. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. This act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of April, 1971.

SANFORD

1901—Chapter 361.

AN ACT TO ESTABLISH A GRADED SCHOOL AT SANFORD.

The General Assembly of North Carolina do enact:

Territory affected.

Amended, Pr. L. Ex. 1913 ch. 116

Boundaries.

Section 1. That the following described territory in Sanford township, Moore county, viz.: [Beginning at the intersection of D. H. McIver's and Weatherspoon's line with right of way of the Southern Railway, running thence with said line eastward to said D. H. McIver's corner in the McQueen road; thence with another of his lines northward with said road to another of his corners beside said road near Mrs. Bettie McIver's dwelling; thence with another of his lines westward to another of his corners southwest of Mrs. Bettie McIver's dwelling; thence with his and Gunter's line northward to their corner, west of the McQueen road; thence east to a stake beside said road near the southeast corner of a corn field on the west side of said road, a little red oak pointer; thence with said road to the stock-law fence near G. W. Temple's residence; thence with said fence around to the west side of Temple's residence to an old lightwood stump beside the fence, hickory pointer; thence east, crossing said road (the McQueen road) at the corner of Temple's fence, on the side of same, passing near two small persimmon trees to a red oak on the east side of the road running from Sanford to Colon by the way of Turner's Chapel, two pine pointers; thence with said road southward to a little cedar on the east side of said road by M. E. Wicker's fence, white oak, gum and little plum bush pointer; thence south 70 degrees east, passing east of said Wicker's house to an old lightwood stump on the east side of the Jonesboro road; thence as the Jonesboro road southward to its intersection with the Kelly Mill road; thence with the Kelly Mill road to Mrs. F. J. Burk's northwest corner in Miss Clow's line; thence as Miss Clow's line in a southwesterly direction to a large pine, Clow, Johnson and McNeill's corner; thence as the line between Johnson and McNeill and Ray to Ray and Johnson's corner; thence as their line southward to their other corner; thence east to the Jonesboro road; thence as said road southward to where Ray and Harrington's line crosses the same to a little persimmon tree on west side of said road; thence with Ray's line westward to Harrington's and Acree's corner in Ray's line; thence north 88 degrees west to W. A. Monroe and Bryan's corner; thence with their line and beyond Monroe's other corner, beside the A. C. L. Railroad, south 62 degrees west to the Jonesboro and Sanford road; thence northward with said road to Bryan and Allcott's corner, by a large red oak; thence west to a pine blazed on the Allcott land, four pine pointers; thence north 41 degrees west to the southwest corner of the Sanford Furniture Manufacturing Company's land; thence running around on the west side of their land with their various lines to W. H. Watson and Bethea Tysor's corner, in said company's line; thence running eastward; thence with Watson and Tysor's line to Watson's corner in Tysor's line; thence with Watson's line to the right of way to the A. C. L. Railroad; thence with said right of way to a stake on same, nearly in front of colored Baptist church; thence north 54 degrees east, crossing said railroad and running with W. T. Buchanan's line on the north side of his land to Little Buffalo creek; thence north 16 degrees east to J. D. Mann's southeast corner on Market street; thence as his line westward and passing his corner to Little Buffalo creek; thence up the various courses of said Little Buffalo creek to a stake in the same; thence south 72 degrees west, passing between Sam Brewer's house and the jewelry store belonging to the Sanford Sash and Blind Company to a stake on the right of way of A. C. L. Railroad on the east side of said road; thence with said right of way southward to a stake on the same; thence south 54 degrees west to a stake on the right of way of S. A. L. Railway east side; thence southward with same to a stake on same; thence south 97 degrees west, crossing said railroad and running with Moffitt Bros.' line on south side of their land to their southwest corner; thence with their line northward to another of their corners; thence north 39 degrees west, crossing Wicker street to a stake in Davis' line; thence south 55 degrees west to a stake and pointers on Scott's land; thence north 25 degrees west to a stake in Currie's line; thence as his line eastward to another stake with post oak pointers; thence north 25 degrees west to stake by a pile of rock in the Clement-Ross Manufacturing Company's line on southwest side of their land; thence with their line westward to their southwest corner; thence due west to A. P. McPherson's line on the west side of his land; thence with his line northward and eastward to McPherson and Weatherspoon's corner; thence southward with their line to a small house belonging to A. P. McPherson just north of Clement-Ross Manufacturing Company's land; thence due east to right of way of Southern Railroad; thence northward with said right of way to the beginning,] shall be and is hereby constituted the Sanford Graded School District.

Sec. 2. That the Board of County Commissioners of Moore county are hereby required to submit to the qualified registered voters of said territory, when petitioned so to do by one-fifth of the qualified voters of said territory, the question whether an annual tax shall be levied therein for the support of a graded public school, giving instructions free in such grades and branches as now prescribed in the general law for general public schools. Each voter who shall favor levying an collecting the tax herein provided for shall vote a written or printed ballot with the words "For Schools" thereon, and each voter who shall oppose levying and collecting the tax herein provided for shall vote a written or printed ballot with the words "No Schools" thereon. For the purpose of holding said election the said Board of County Commissioners shall appoint a registrar for said election and two judges of election, and designate a polling place in said district. The registrar and judges of election shall within two days after said election certify the result thereof to the Board of County Commissioners, who shall at their next regular meeting declare the result of the election. In all other respects the law governing said election shall be that provided by the general laws of the State.

One-fifth petitioners. Commissioners required to submit question to voters.

Style of ballot.

Election officers.

Result, how declared.

Sec. 3. That in the event a majority of said voters shall vote "For Schools" [the following named persons shall constitute a board of trustees of said Sanford Graded School District, viz.: E. G. Moffitt, G. W. Temple and A. L. McNeill for two years from the first Monday in May, 1901; B. Cole, J. B. King and D. E. McIver for four years from the first Monday in May, 1901; J. K. Perry, T. L. Chisolm and W. A. Monroe for six years from the first Monday in May, 1901. The said board of trustees shall elect their successors as their terms expire, and such successors shall be elected for the term of six years.] Any vacancy by death or resignation shall be filled for the unexpired part of such term by the remaining trustees. The said board of trustees are hereby declared to be a body politic and corporate, and by such name may be sued and may sue, prosecute and defend in any court of this State; may have and hold real estate and personal property by gift, grant or deed or otherwise, and convey, sell and dispose of the same when they shall deem it to be to the best interest of said school so to do. They shall have absolute control of said school, its management and conduct, and shall have any other power pertaining to like corporations.

Board of trustees, how constituted.

Superseded, S.L. 1946, ch.134

Vacancy, how filled.

The board a body politic.

Powers enumerated.

Sec. 4. That upon the recommendation of said board of trustees the Board of County Commissioners of Moore county shall levy and cause to be collected such an amount of tax so recommended, not exceeding thirty cents on the one hundred dollars worth of real estate and personal property and ninety cents on the poll each year. The taxes levied shall be collected by the sheriff of Moore county, under the same laws and penalties as for the collection of State and county taxes, and he shall pay over the money so collected to the treasurer of the Sanford Graded School District.

Tax to be levied and collected.

Money, to whom paid.

Sec. 5. The said board of trustees shall elect a treasurer for said Sanford Graded School District annually, and shall fix his compensation and prescribe the amount of his bond, which bond shall be approved by the Board of County Commissioners of Moore county and recorded as other official bonds.

Treasurer to be elected annually.

Tuition fees. Non-residents.

SEC. 6. The said board of trustees shall have power to establish a schedule of tuition fees for such branches as are not taught under the general school law, and for persons who are non-residents in said district. Such fees shall be paid to the treasurer of said district, and by him placed in the general fund of said district.

Annual statement.

SEC. 7. The treasurer of the district shall make an annual statement, itemized, of all receipts and disbursements, and he shall make no disbursements except by the order of said board of trustees.

School age of children.

SEC. 8. Said graded school shall be for children between the ages of six and twenty-one years residing in said district.

Money, to whom paid and how applied.

SEC. 9. That the public school money which shall be collected on the property and polls from time to time under the general school law for public school purposes in said district shall be paid to the treasurer of said district, and by him applied under the order and direction of said board of trustees.

Conflicting laws repealed.

SEC. 10. All laws and clauses of law in conflict with this act are hereby repealed.

SEC. 11. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

1913—CHAPTER 116

AN ACT TO CHANGE THE BOUNDARIES OF THE SANFORD GRADED SCHOOL DISTRICT AND TO PROVIDE FOR COMPULSORY EDUCATION WITHIN SAID DISTRICT.

The General Assembly of North Carolina do enact:

Boundary.

SECTION 1. That the boundaries of the Sanford Graded School District shall be as follows, viz.: Beginning at the intersection of the present district lines with Vance Street, and running thence as Vance Street southward to Dry Creek; thence down Dry Creek to McIver and Hatch's line; thence southward as McIver and Hatch's line to their corner in J. M. Wicker's line; thence southward to J. M. Wicker's line near the east end of the old Aldrich stone quarry; thence as said Wicker's line westward to Big Buffalo Creek; thence down Big Buffalo Creek to Wicker and Palmer's line; thence eastward with the Palmer line to the line of Mrs. Kate S. McIver; thence as her line northward to her corner and the corner of the McKernon heirs; thence as McKernon's and Palmer's line and Weatherspoon and Palmer's line westward down Dry Creek to Palmer's and Weatherspoon's corner; thence as Weatherspoon's and Palmer's line to the center of Dry Creek; thence down said creek to its intersection with Big Buffalo Creek; thence down said creek to the north end of the culvert, or waterway, of the Southern Railroad; thence eastward to the northwest corner of the Joseph and Isabel Rogers land; thence as the Rogers' various lines eastward to the Gunter line; thence in a northeasterly direction to the corner of the Sanford Graded School District north of G. W. Temple's residence; thence as the old boundary line of the district due east to the Sanford and Colon Road; thence as the Sanford and Colon Road to a point upon said road due west from M. E. Wicker and Mrs. Josephine Tally's corner north of the old Wicker residence, now occupied by R. W. Byrd; thence as Mrs. Josephine Tally's line eastward to the northwest corner of M. E. Wicker's lot in the division of the Elizabeth Wicker estate; thence as his line and Brown's line southward to the Kelly or Dowdy line; thence as Dowdy's line to Dr. Register's corner; thence his lines east and south to Waterworks Road; thence in a westerly direction to the road leading by N. W. Brown's; thence as said road by N. W. Brown's southward to Stewart and Saunders' line; thence as Stewart and Saunders' lines in a southeasterly direction to their and Watson's corner; thence as their other line in a southerly direction to their corner; thence as their other line westward to the Jonesboro Road and the corner of the present Sanford Graded School District boundary; thence as the present boundary lines to the beginning.

Sec. 2. This act shall be in force from and after its ratification.

Ratified this the 13th day of October, A. D. 1913.

1967—CHAPTER 134

AN ACT TO REPEAL CHAPTER 513 OF THE SESSION LAWS OF 1951, AND TO PROVIDE FOR THE ELECTION OF MEMBERS OF THE BOARD OF TRUSTEES OF THE SANFORD GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. The Board of Trustees of Sanford Graded School District, Lee County, shall consist of seven members, serving staggered six-year terms; that the present members of said Board of Trustees shall hold office until their terms of office respectively expire in accordance with previous elections, and the terms of the present members of said Board of Trustees are hereby ratified and confirmed.

Sec. 2. Regular elections to the Board of Trustees of the Sanford Graded School District shall be held biennially on the second Saturday after the first Monday in May, beginning in 1967. At the municipal election to be held in the City of Sanford on the second Saturday after the first Monday in May 1967, there shall be elected by the qualified voters of the Sanford Graded School District three Trustees to serve for a term of six years; and at said election on the second Saturday after the first Monday in May 1969, there shall be elected two Trustees of said School District to serve for a term of six years; and at said election on the second Saturday after the first Monday in May 1971, there shall be elected two Trustees to serve for a term of six years; and thereafter as their terms respectively expire their successors shall be elected for a term of six years.

The Trustees so elected shall be inducted into office on July 1 next following their election, unless said date falls on Sunday, in which event said Trustees shall be inducted into office on the following Monday.

Section 2a (added) by S.L.1969, ch.185

Sec. 3. Each qualified person who would offer himself as a candidate for the Board of Trustees of the Sanford Graded School District shall file with the Board of Elections of Lee County a written statement giving notice of his candidacy. Such statement shall be filed not earlier than the ninth Monday and not later than five o'clock P.M. on the fifth Monday preceding the election at which he offers his candidacy, shall be accompanied by a filing fee of five dollars ($5.00), and shall be in substantially the following form:

"I, ..., do hereby give notice that I am a candidate for the election of the Board of Trustees of the Sanford Graded School District to be voted upon at the election to be held on ...., and I hereby request that my name be placed on the official ballot for such office. I certify that I am a resident and qualified voter of the Sanford Graded School District, residing at ....

..............(Signature)..............

Witness:

...."

Sec. 4. The Board of Elections of Lee County shall conduct all Sanford Graded School District elections, including regular elections, bond elections, and any other authorized special elections. Except as otherwise provided in this Act or as otherwise provided in general or local Acts relating to bond elections, tax elections or other special elections in the Sanford Graded School District, all Sanford Graded School District Elections shall be conducted under the laws, rules, and regulations governing the conduct of General Elections in Lee County. The Board of Trustees of the Sanford Graded School District are hereby authorized to reimburse Lee County for the actual costs of conducting each election for the Sanford Graded School District.

Sec. 5. In conducting elections for the Sanford Graded School District, the Board of Elections of Lee County shall use the registration books of Lee County, and all persons now or hereafter duly registered in such registration books, who live within the Sanford Graded School District, shall be entitled to vote in all Sanford Graded School District Elections.

Sec. 6. Chapter 513 of the 1951 Session Laws is hereby repealed and all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed, but such repeal shall not be construed as reviving any laws in conflict herewith.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1967.

1969 CHAPTER 185

AN ACT TO AMEND CHAPTER 134 OF THE SESSION LAWS OF 1967 RELATING TO VACANCIES OCCURRING ON THE BOARD OF TRUSTEES OF THE SANFORD GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. Chapter 134 of the 1967 Session Laws is hereby amended by adding a new Section thereto immediately following Section 2 and immediately preceding Section 3 to be designated Section 2a and to read as follows:

"Section 2a. All vacancies occurring in the membership of the Board of Trustees of the Sanford Graded School District by death, resignation, or otherwise, shall be filled within thirty (30) days of such vacancy for the unexpired term by the remaining members of such Board of Trustees."

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1969.

SCOTLAND NECK

1969 CHAPTER 31

AN ACT TO IMPROVE AND PROVIDE PUBLIC SCHOOLS OF A HIGHER STANDARD FOR THE RESIDENTS OF SCOTLAND NECK IN HALIFAX COUNTY, TO ESTABLISH THE SCOTLAND NECK CITY ADMINISTRATIVE UNIT, TO PROVIDE FOR THE ADMINISTRATION OF THE PUBLIC SCHOOLS IN SAID ADMINISTRATIVE UNIT, TO LEVY A SPECIAL TAX FOR THE PUBLIC SCHOOLS OF SAID ADMINISTRATIVE UNIT, ALL OF WHICH SHALL BE SUBJECT TO THE APPROVAL OF THE VOTERS IN A REFERENDUM OR SPECIAL ELECTION.

The General Assembly of North Carolina do enact:

Section 1. There is hereby classified and established a public school administrative unit to be known and designated as the Scotland Neck City Administrative Unit which shall consist of the territory or area lying and being within the boundaries or corporate limits of the Town of Scotland Neck in Halifax County, and the boundaries of said Scotland Neck City Administrative Unit shall be coterminous with the present corporate limits or boundaries of the Town of Scotland Neck. The governing board of said Scotland Neck City Administrative Unit shall be known and designated as the Scotland Neck City Board of Education, and said Scotland Neck City Board of Education (hereinafter referred to as: Board) shall have and exercise all of the powers, duties, privileges and authority granted and applicable to city administrative units and city boards of education as set forth in Chapter 115 of the General Statutes, as amended.

Sec. 2. The Board shall consist of five members appointed by the governing authority of the Town of Scotland Neck, and said five members shall hold office until the next regular municipal election of the Town of Scotland Neck to be held in May, 1971. At the regular election for Mayor and Commissioners of the Town of Scotland Neck to be held in May 1971, there shall be elected five members of the Board, and three persons so elected who receive the highest number of votes shall hold office for four years and the two persons elected who receive the next highest number of votes shall hold office for two years, and thereafter all members of the Board so elected, as successors, shall hold office for four years. All members of the Board shall hold their offices until their successors are elected and qualified. All members of the Board shall be eligible to hold public office as required by the Constitution and laws of the State.

Sec. 3. All members of the Board shall be elected by the qualified voters of the Town of Scotland Neck and said election shall be held and conducted by the governing authority of the Town of Scotland Neck and by its election officials and pursuant to the same laws, rules and regulations as are applicable to the election of the municipal officials of the Town of Scotland Neck, and the results shall be certified in the same manner. The election of members of the Board shall be held at the same time and place as applicable to the election of the Mayor and Board of Commissioners of the Town of Scotland Neck and in accordance with the expiration of terms of office of members of the Board. The members of the Board so elected shall be inducted into office on the first Monday following the date of election, and the expense of the election of the members of the Board shall be paid by the Board.

Sec. 4. At the first meeting of the Board appointed as above set forth and of a new Board elected as herein provided, the Board shall organize by electing one of its members as chairman for a period of one year, or until his successor is elected and qualified. The chairman shall preside at the meetings of the Board, and in the event of his absence or sickness, the Board may appoint one of its members as temporary chairman. The Scotland Neck City Superintendent of Schools shall be ex officio secretary to his Board and shall keep the minutes of the Board but shall have no vote. If there exists a vacancy in the office of Superintendent, then the Board may appoint one of its members to serve temporarily as secretary to the Board. All vacancies in the membership of the Board by death, resignation, removal, change of residence or otherwise shall be filled by appointment by the governing authority of the Town of Scotland Neck of a person to serve for the unexpired term and until the next regular election for members of the Board when a successor shall be elected.

Sec. 5. All public school property, both real and personal, and all buildings, facilities, and equipment used for public school purposes, located within the corporate limits of Scotland Neck and within the boundaries set forth in Section 1 of this Act, and all records, books, moneys budgeted for said facilities, accounts, papers, documents and property of any description, shall become the property of Scotland Neck City Administrative Unit or the Board; all real estate belonging to the public schools located within the above-described boundaries is hereby granted, made over to, and automatically by force of this Act conveyed to the Board from the County public school authorities. The Board of Education of Halifax County is authorized and directed to execute any and all deeds, bills of sale, assignments or other documents that may be necessary to completely vest title to all such property in the Board.

Sec. 6. Subject to the approval of the voters residing within the boundaries set forth in Section 1 of this Act, or within the corporate limits of the Town of Scotland Neck, as hereinafter provided, the governing authority of the Town of Scotland Neck, in addition to all other taxes, is authorized and directed to levy annually a supplemental tax not to exceed Fifty Cents (50c) on each One Hundred ($100.00) Dollars of the assessed value of the real and personal property taxable in said Town of Scotland Neck. The amount or rate of said tax shall be determined by the Board and said tax shall be collected by the Tax Collector of the Town of Scotland Neck and paid to the Treasurer of the Board. The Board may use the proceeds of the tax so collected to supplement any object or item in the school budget as fixed by law or to supplement any object or item in the Current Expense Fund or Capital Outlay Fund as fixed by law.

Sec. 7. Within ten days from the date of the ratification of this Act it shall be the duty of the governing authority of the Town of Scotland Neck to call a referendum or special election upon the question of whether or not said Scotland Neck City Administrative Unit and its administrative board shall be established and whether or not the special tax herein provided shall be levied and collected for the purposes herein provided. The notice of the special election shall be published once a week for two successive weeks in some newspaper published in the Town of Scotland Neck or having a general circulation in the Town of Scotland Neck. The notice shall contain a brief statement of the purpose of the special election, the area in which it shall be held, and that a vote by a majority of those voting in favor of this Act will establish the Scotland Neck City Administrative Unit and its Administrative Board as herein set forth, and that an annual tax not to exceed Fifty Cents (50c) on the assessed valuation of real and personal property, according to each One Hundred Dollars ($100.00) valuation, the rate to be fixed by the Board, will be levied as a supplemental tax in the Town of Scotland Neck, for the purpose of supplementing any lawful public school budgetary item. A new registration of voters shall not be required and in all respects the laws and regulations under which the municipal elections of the Town of Scotland Neck are held shall apply to said special election. The governing authority of the Town of Scotland Neck shall have the authority to enact reasonable rules and regulations for the necessary election books, records and other documents for such special election and to fix the neccessary details of said special election.

Sec. 8. In said referendum or special election a ballot in form substantially as follows shall be used: VOTE FOR ONE:

☐ FOR creating and establishing Scotland Neck City Administrative Unit with administrative Board to operate public schools of said Unit and for supplemental tax not to exceed Fifty Cents (50c) on the assessed valuation of real and personal property according to each One Hundred Dollars ($100.00) valuation for objects of school budget.

☐ AGAINST creating and establishing Scotland Neck City Administrative Unit with administrative Board to operate public schools of said Unit and against supplemental tax not to exceed Fifty Cents (50c) on the assessed valuation of real and personal property according to each One Hundred Dollars ($100.00) valuation for objects of school budget.

If a majority of the qualified voters voting at such referendum or special election vote in favor of establishing Scotland Neck City Administrative Unit, for creation of administrative Board to operate public schools of said Unit and for special supplemental tax as herein set forth, then this Act shall become effective and operative as to all its provisions upon the date said special election results are canvassed and the result judicially determined, otherwise to be null and void. The expense of said referendum or special election shall be paid by the governing authority of the Town of Scotland Neck but if said Unit and Board are established, then said Town of Scotland Neck shall be reimbursed by the Board for said expense as soon as possible.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall be in full force and effect according to its provisions from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1969.

SHELBY

1891.—CHAPTER 403.

An act in relation to the public school in the town of Shelby, and providing for it [the] levying of a tax to support the same.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of aldermen of the town of Shelby shall and they are hereby authorized to submit to the qualified voters of said town, under such rules and regulations and at such time within six months after the ratification of this act as the said commissioners may prescribe, whether a tax shall be annually levied therein for the support of the schools in said town provided for by this act.. At the election held under the provisions of this act those who favor the levying of such tax [shall vote on written or printed] ballots without device the words "For school," and those who oppose [are opposed] to the levying of such tax shall vote on written or printed ballots without device the words "Against schools." The manner of holding such elections and the penalties for illegal and fraudulent voting in this election shall be the same as in the annual elections for mayor and aldermen of the town of Shelby. The commissioners shall give thirty days' notice of the time of holding said election in one or more newspapers published in the town.

Election in Shelby on question of special tax for support of public schools.

Ballots.

Election, how held, &c.

Notice of election.

SEC. 2. The inspectors of said election shall, on the day following the election, certify the number of votes cast and counted for and against school to the commissioners of said town, who shall proceed to declare at once the result of the election; and if a majority of the qualified voters in said town shall vote in favor of such tax the same shall be levied and collected by the town authorities under which other town taxes are levied and collected, and the tax-collected [collector] shall be subject to the same liabilities for the collection and

Returns of election.

Tax to be levied on majority vote.

Collection.

Amount of tax.

Application of tax.

Graded schools may be established.

disbursement of the said tax as he is or may be for other town taxes: *Provided*, the special taxes so levied and collected shall not be less than sixteen and two-thirds cents or more than thirty cents on the one hundred dollars valuation of property, and not less than fifty cents nor more than ninety cents on the poll. The taxes levied and collected under the provisions of this act shall be applied exclusively to the support and maintenance of the public school in the town of Shelby; and the school committee, whose appointment is hereinafter provided for, may establish one or more graded public schools in the town of Shelby, and the taxes levied and collected under this act shall not be appropriated or expended for any other purpose.

Shelby made a public school district.

SEC. 3. For the purposes and benefits of this act, the town of Shelby shall be and constitute a public school district for both white and colored.

School committee.

Amended, S.L. 1963, ch. 261

Divided into classes.

Terms of office.

Vacancies.

SEC. 4. If this act shall be ratified at the election authorized to be held under it the school committee of the town of Shelby shall consist of five members instead of three as now required by the general school law, and that T. D. Lattimore, J. T. Gardner, J. F. Liddy, W. H. Miller and J. F. Whisnant shall constitute said committee. That said committee shall be divided by the commissioners of the town of Shelby at their next regular meeting held after the election provided for in this act into five classes of one each. The term of office of the first class shall expire at the end of one year from the date of said meeting; and the term of office of the second class shall expire at the end of two years from date of said meeting; and the term of office of third class shall expire at the end of three years from date of said meeting; and the term of office of fourth class shall expire at the end of from [four] years from date of said meeting; and the term of office of fifth class shall expire at the end of five years from date of said meeting. Whenever the term of office of any class as above provided shall expire, his successor shall be appointed for a term of five years by the said commissioners of [at] their first meeting [after] their election and qualification. Whenever any vacancy occurs in said board of commissioners [committee], except be [by] expiration of the term of office, the vacancy for the unexpired term of the member or members shall be filled by the said committee.

Powers and duties of school committee.

Admission of pupils.

SEC. 5. That the school committee provided for by this act shall have entire and exclusive control of the public school interest and property in the town of Shelby, shall prescribe rules and regulations [for] their own government not inconsistent with the provisions of this act, shall employ and fix the compensation of officers and teachers of the public schools or graded public schools annually subject to removal by the said committee, shall make an accurate census of the school population of the town as required by the general school law of the state, and do all other acts that may be just and lawful to conduct and manage the general school interest in said town: *Provided*, that all children resident in the town of Shelby between the ages of six and twenty-one years shall be omitted [admitted] into said schools free of tuition charges.

Superintendent of schools.

SEC. 6. The school committee created by this act may elect annually a superintendent of the schools established under this act, who shall be the principal of the graded school for white children if same shall be established. The said superintendent shall examine all applicants for teachers' positions in the said school and issue certificate to the same, and shall do and perform such other duties as may be prescribed by said school committee.

What moneys to go to school.

Treasurer.

Moneys to constitute separate fund, &c.

Annual statement by treasurer.

Proviso.

SEC. 7. The moneys which shall from time to time be apportioned under the general school law of the state to the Shelby public school district shall be turned over by the tax-collector to the treasurer of the town of Shelby, and any moneys to which the said district may be entitled by reason of any special tax, gift, grant, apportionment or otherwise, shall be received by the treasurer of the town of Shelby, who shall be the *ex officio* treasurer of the said school committee, and whose receipts for such moneys shall constitute a sufficient voucher of such payment in the hands of any person paying same, and the said treasurer shall report monthly to the said school committee his receipts and disbursements with all vouchers for the same. The moneys received as aforesaid shall be held by the treasurer as a separate fund to be disposed of under the directions of the aforesaid school committee, whose warrants, signed by the chairman and countersigned by the secretary of said committee, shall be the only valid vouchers in the hands of said treasurer for the disbursement of said money in any settlement required of him by the law. The said treasurer shall furnish annually on the first Monday in July to the board of aldermen a statement in writing of his receipts and disbursements of the school money, properly and duly audited and approved by the chairman and secretary of the school committee: *Provided*, the accounts, books and vouchers of the said treasurer shall be open for the inspection of the said school committee to [at] any time.

Treasurer's bond.

Compensation

SEC. 8. The bond now required of the treasurer of the town to protect public funds of the town in his hands shall be in amount sufficient to include double the amount received under this act independent of the amount to secure the funds which come into his hands. The said treasurer shall receive as compensation a commission of two per centum on the funds disbursed under this act.

Apportionment of school fund between white and colored schools.

Separate schools.

SEC. 9. The school committee provided for by this act shall apportion the money raised or received for educational purposes in the town of Shelby as shall be just to the white and colored races without discrimination in favor of or to the prejudice of either race, due regard being paid to the cost of keeping up and maintaining the public schools of both races: *Provided*, separate schools shall be established and maintained for the white and colored races.

School committee to make report.

School year.

SEC. 10. That the said committee shall make to the board of aldermen annually at such time as is required under the school law of the state, a report containing an accurate census of the school population of the town, showing the work done and money expended under their directions in the town of Shelby on account of public schools therein, a copy of which report shall be forward[ed] to the superintendent of public instruction in the state and a copy to the superintendent in the county of Cleveland. The beginning and ending of the school year shall be fixed by the committee.

Rights and powers of school committee.

SEC. 11. The school committee provided for by this act shall have the right to control the site, buildings, moneys, bonds and other property belonging to the "School Trustees of the town of Shelby," incorporated by chapter seventy-four (74), private laws of one thousand eight hundred and eighty-nine Anno Domini, and the title thereto is hereby vested in said committee and their successors, and said school committee shall succeed to all the rights given and belonging to the school trustees of the town of Shelby under and by virtue of the act aforesaid.

School committee incorporated.

Corporate name.

Corporate powers.

SEC. 12. The school committee hereby created shall be a body corporate by the name and style of "The School Committee of the town of Shelby," and by that name shall be capable of receiving gifts and grants, of [making] purchases and holding real and personal estate, of selling, mortgaging and transferring the same for school purposes, of prosecuting and defending suits for or against the corporation hereby created. Conveyance to said school committee shall be to them and their successors in office; and all deeds, mortgages and other agreements affecting real estate shall be deemed sufficiently executed when signed by the chairman and secretary of said committee.

Execution of deeds, &c.

Conflicting laws repealed.

SEC. 13. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 14. This act shall be in force from and after its ratification.

Ratified the 7th day of March, A. D. 1891.

1963—CHAPTER 261

AN ACT TO REWRITE CHAPTER 550 OF THE SESSION LAWS OF 1959, RELATING TO THE ELECTION AND TERMS OF OFFICE OF THE MEMBERS OF THE SHELBY CITY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 403 of the Public Laws of 1891, as rewritten by Chapter 155 of the Private Laws of 1913, and is rewritten by Chapter 550 of the Session Laws of 1959, is again hereby amended and rewritten so that the same shall hereafter read as follows:

"Sec. 4. The Shelby City Board of Education shall be composed of five (5) members, all of the said members to be elected from the administrative unit at large, and members of said board of education shall be elected at the same time and in the same manner as the Mayor and Board of Aldermen of the City of Shelby are elected and shall qualify on the first day of July following their election and shall hold office for a term of four (4) years and until their successors shall be duly elected and qualified: Provided that the three (3) candidates on the present board of education that were elected for terms of four (4) years in the May election of 1961 shall continue to hold their offices until their four-year term has been completed and their successors duly elected and qualified; and provided further that at the municipal election to be held in May 1963 two (2) members shall be elected for terms of four (4) years each and that thereafter biennially at the municipal election two (2) or three (3) members shall be elected depending on the expiring terms of the members of the board at that time; and the successors to each member elected shall serve for terms of four (4) years each, or until their successors are duly elected and qualified. The City of Shelby, North Carolina, shall establish a voting place in the area of the Shelby City Administrative unit adjoining the city limits and lying North of U. S. Highway 74 By-Pass, and a voting place in the area that adjoins the city limits of Shelby and lying South of U. S. Highway 74 By-Pass; that the City Board of Shelby shall provide for a new registration for all voters outside the corporate limits for the election of the members of the school board for the 1963 election; and the said board shall supervise said election the same as heretofore. In case of a vacancy in the membership of said board caused by death, resignation or any other cause, the remaining members of said board shall fill the vacancy for the remainder of the unexpired term or until the next municipal election by the appointment of a member."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1963.

STATESVILLE

1891.—Chapter 386.

An act in relation to the public schools in the city of Statesville.

The General Assembly of North Carolina do enact:

Election in Statesville on question of special tax for public schools.

Section 1. That the board of aldermen of the city of Statesville shall and they are hereby authorized to submit to the qualified voters of said town at such time or times not oftener than once in any one year until such schools are established, under such rules and regulations as said board may prescribe and within six months after the ratification of this act, whether a tax shall be annually levied therein for the support of the schools in said town provided by this act. At the election held under the provisions of this act those who favor the levying of such tax shall vote on written or printed ballots "For school," and those who are opposed to the levying of such tax shall vote on written or printed ballots without device the words "Against school." The penalties for illegal and fraudulent voting in this election shall be the same as in the elections held under the general laws of the state in state and county elections. The board of aldermen shall give thirty days' notice of the time of holding said election in one or more newspapers published in the town.

Ballots.

Penalties for illegal voting.

Notice of election.

Returns of election.

Sec. 2. The inspectors of said election shall, on the day following said election, certify the number of votes cast and counted for and against school to the board of aldermen of said town, who shall proceed to declare at once the result of the election, and if a majority of the votes cast shall be in favor of such tax the same shall be levied and collected by the town authorities, under the same rules and regulations under which other town taxes are levied and collected, and the tax-collector shall be subject to the same liabilities for the collection and disbursement of the said tax as he is or may be for other

Tax to be levied on majority vote.

Collection.

Amount of tax.

Application of tax.

town taxes: *Provided*, the special taxes so levied and collected shall not be less than one-fifth of one per centum on the property nor more than one dollar upon each poll. The taxes levied and collected under the provisions of this act shall be applied exclusively to the support and maintenance of the graded public schools in the city of Statesville, or for providing by purchase or otherwise suitable buildings and grounds for the said schools.

Statesville made a public school district.

SEC. 3. For the purposes and benefits of this act, the city of Statesville shall be and is constituted a public school district for both white and colored.

School committee.

Amended,
Added,
P.L. 1895,
ch. 170

Terms of office.

Vacancies.

SEC. 4. If this act shall be ratified at any one of the elections authorized to be held under it, the school committee of the city of Statesville shall consist of six members instead of three, as now required by the general school law to be elected by the aldermen of the city of Statesville at their next regular meeting held after the election provided in this act. The said school committee shall be divided by the said aldermen at the time of their election in three classes of two each. The terms of office of the first class shall expire at the end of two years from the date of election; of the second class at the end of four years; and of the third class at the end of six years. Whenever the term of office of any class shall expire as above provided, their successors shall be appointed for a term of six years by the said aldermen. Whenever any vacancy occurs in said committee, except by expiration of the term of office, the vacancy for the unexpired term of the member or members shall be filled by the board of aldermen.

Powers and duties of school committee.

Admission of pupils.

SEC. 5. That the school committee provided for by this act shall have entire and exclusive control of the graded public schools, their interests and property in the city of Statesville, and shall prescribe rules and regulations for their own government not inconsistent with the provisions of this act, shall employ and fix the compensation of officers and teachers annually, subject to the removal by the said committee; shall make an accurate census of the school population of the town as required by the general law of the state, and do all other acts that may be just and lawful to conduct and manage the public school interests of the town: *Provided*, all children resident in the city of Statesville between the ages of six and twenty-one shall be admitted into said schools free of tuition charges, unless upon the voluntary subscription of their parents or guardians.

What moneys to go to schools.

Treasurer.

Moneys to constitute separate fund, &c.

SEC. 6. The moneys which shall from time to time be apportioned under the general school law of the state to the Statesville public school district or districts, and embracing said town, and any moneys which the said district or districts may be entitled by reason of any special tax, gift, grant, apportionment or otherwise, shall be received by the treasurer of the city of Statesville, who shall be *ex officio* treasurer of said school committee, and whose receipt for such moneys shall constitute a sufficient voucher for such payment in the hands of any person paying the same, and the said treasurer shall report monthly to the said school committee his receipts and disbursements, with all vouchers for the same. The moneys received as aforesaid shall be held by the treasurer as a separate fund, to be disposed of under the direction of the aforesaid school committee, whose warrants, signed by the chairman and countersigned by the secretary of the said committee, shall be the only valid vouchers in the hands of the said treasurer for the disbursement of the said money in any settlement required of him by the law. The said treasurer shall furnish annually to the board of aldermen a statement in writing of his receipts and disbursements of the school money, properly and duly audited and approved by the chairman and secretary of the school committee: *Provided*, the accounts, books and vouchers of the said treasurer shall be open for the inspection of said school committee at any time.

Annual statement by treasurer.

Proviso.

SEC. 7. The bond now required of the treasurer of the town to protect public funds of the town in his hands shall be an amount sufficient to include double the amount to secure other funds which may come into his hands. The said treasurer shall receive as compensation such an amount as may be fixed jointly by the committee and the board of aldermen of the town.

Treasurer's bond.

Compensation.

SEC. 8. The school committee provided for by this act shall apportion the money raised and received for educational purposes in the city of Statesville as shall be just to the white and colored races without discrimination of or to the prejudice of either race, due regard being paid to the cost of keeping up and maintaining the schools for both races; the schools to be provided for separate for each race. If the number for either race and the fund therefor is insufficient to maintain a graded school, the fund without discrimination may be applied for a public free school for said race under the control of said committee.

Apportionment of school fund between white and colored schools.

Separate schools.

SEC. 9. The committee created by this act may annually elect a superintendent of the schools established under this act, who shall also be the principal of the graded white school, if the same be established. He shall also have general superintendence of the colored school, whether a graded or public school. He shall examine all applicants for teachers' positions in said schools and issue certificates to the same before any teacher shall be eligible to election by the committee as teacher in any of said schools, and he shall do and perform such other duties as may be prescribed by said school committee.

Superintendent of schools.

SEC. 10. That the said committee shall make to the board of aldermen annually, at such time as is required under the school law of the state, a report containing an accurate census of the school population of the town, showing the work done and money expended under their direction in the city of Statesville, an account of public graded or other public schools therein, a copy of which report shall be forwarded to the superintendent of public instruction in the state, and a copy to the superintendent of public instruction in the county of Iredell. The beginning and ending of the school year shall be fixed by the committee.

School committee to make report.

School year.

SEC. 11. The school committee hereby created shall be a body politic and corporate by the name and style of "The Statesville Graded Schools," and by that name shall be capable of receiving gifts and grants, purchasing and holding real and personal estate, selling, mortgaging and transferring the same for school purposes, of prosecuting and defending suits for or against the corporation hereby created. Conveyance to said school committee shall be to them and their successors in office, and all deeds, mortgages and other engagements affecting real estate shall be deemed sufficiently executed when signed by the chairman, one member of the committee, the secretary,

School committee incorporated. Corporate name.

Corporate powers.

Execution of deeds, &c.

Corporate seal.

and the seal of the corporation is affixed thereto. The corporation may have a seal, which it may break or alter at pleasure.

Conflicting laws repealed.

SEC. 12. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 13. This act shall be in force from and after its ratification.

Ratified the 6th day of March, A. D. 1891.

1895.—CHAPTER 170

An act to amend the public school laws of the city of Statesville.

The General Assembly of North Carolina do enact :

Chap. 386, laws 1891, in relation to public schools of Statesville, amended.

SECTION 1. That chapter three hundred and eighty-six (386) of the laws of one thousand eight hundred and ninety-one (1891), the same being an act in relation to the public schools of the city of Statesville, be amended as follows: in line four (4), section four (4), of said act, after the word "law," insert the following: "two of the said school committee, to serve for a term of six (6) years, shall be elected by the qualified voters of the city of Statesville at the next regular election for mayor of said city, and every two years thereafter, as the terms of office of the present school committee shall expire."

School committee. Election.

Term of office

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 8th day of March, A. D., 1895.

TARBORO

1919—Chapter 38

AN ACT TO REPEAL CHAPTER 562, LAWS 1892, AND TO CREATE THE TARBORO SCHOOL BOARD.

The General Assembly of North Carolina do enact:

Chapter 562, Laws 1891, creating board, repealed.

Section 1. That chapter five hundred and sixty-two, Laws of one thousand eight hundred and ninety-one, be and the same is hereby amended.

Tarboro school board created.

Body corporate.

Sec. 2. That C. B. Keech, J. E. Morrisette, Moses Heilbroner, Mrs. S. N. Clark, George Howard, and Mrs. Nina B. Powell are hereby created a body to be known and designated as "The Tarboro School Board" and by that name shall be a body corporate, and may sue and be sued, plead and be impleaded, adopt a common seal, contract and be contracted with, and pass all rules and regulations for its government, acquire by gift, purchase and devise, real and personal property, and have all the powers given other corporations by chapter twenty-one, Revisal of one thousand nine hundred and five. Said "The Tarboro School Board" shall have the power to do all acts necessary for the maintenance of the graded schools in Tarboro for white children and the graded school in Princeville for colored children, and shall have supervision of all the schools in Township Number One, Edgecombe County, and the appointment, removal, compensation and control of all teachers in said schools.

Powers.

Term of office.

Sec. 3. That C. B. Keech and J. E. Morrisette shall hold office until January first, one thousand nine hundred and twenty-one or until their successors are duly elected and qualified, that Moses Heilbroner and Mrs. S. N. Clark shall hold office until January first, one thousand nine hundred and twenty-three or until their successors are duly elected and qualified, and that George Howard and Mrs. Nina B. Powell shall hold office until January first, one thousand nine hundred and twenty-five, or until their successors are duly elected and qualified.

Successors.

Superseded, S.L. 1949, ch. 770

Vacancies.

SEC. 4. At the next general election for members of the General Assembly in one thousand nine hundred and twenty, there shall be elected by the voters of Number One Township, Edgecombe County, two members of the said school board who shall qualify as members of the said school board, and take office on the first day of January, one thousand nine hundred and twenty-one; [and at each general election thereafter, there shall be elected two members of the said school board who shall qualify for said board and shall take office on the first day of January following their election. All members elected as provided hereinbefore shall hold office for a term of six years or until their successors are elected and qualified. In case any vacancy shall occur in the membership of said board, the same shall be filled at an election held by the remaining members, the member so elected to hold the unexpired term.]

To control all public school funds of township.

SEC. 5. That all funds now in hand, or that may hereafter be collected and apportioned for the public schools of said township, shall be paid over to said board, and all funds arising from taxation shall be expended as shall be just to both races, and all the schools of said township. Donations to the corporation shall be expended as directed by the donors.

Reports.

SEC. 6. That the reports required by law shall be regularly made to the superintendent of public schools, and duplicate thereof filed with the corporation.

No contracts by or with former board violated.

SEC. 7. That nothing in this act shall be construed to violate any contract made by or with "The Tarboro School Board" as heretofore existing under chapter five hundred and sixty-two, Laws of one thousand nine hundred and ninety-one.

SEC. 8. That this act shall be in force from and after the first Monday in March, one thousand nine hundred and nineteen.

Ratified this the 25th day of February, A. D. 1919.

1949—CHAPTER 770

AN ACT RELATING TO THE METHOD OF APPOINTMENT OF THE TARBORO SCHOOL BOARD.

The General Assembly of North Carolina do enact:

Tarboro School Board, terms of incumbent members.

Appointment of successor members.

Recommendations as to appointments.

SECTION 1. The terms of office of all the incumbent members of the Tarboro School Board shall expire on April 1, 1949. The following six persons are hereby appointed members of the Tarboro School Board for terms of office beginning on April 1, 1949, as follows: Dr. S. P. Bass and Mr. Zeb Brinson for a term of two years; Mr. Dail Holderness and Mrs. Martha P. Spiers for a term of four years; and Mr. Romaine Howard and Mrs. Kathleen B. Moore for a term of six years. Their successors shall be appointed for terms of six years, by the Board of Commissioners of the Town of Tarboro, which shall make all appointments of members of the Tarboro School Board except as herein otherwise provided in the case of vacancies. The Tarboro School Board is authorized to make recommendations to the board of commissioners biennially with respect to such appointments. Said board of commissioners is not required, however, to follow such recommendations. [ ]

Amended,
(added)
S.L. 1951,
ch. 559

Any vacancy in the membership of the board occurring for any reasons other than expiration of a term shall be filled by appointment by the other members of the board of a person to serve the remainder of the unexpired term.

Vacancy appointments.

In the event any territory outside the corporate limits of the Town of Tarboro is brought within the limits of the Tarboro City School Administrative Unit, said board of town commissioners is authorized, in its discretion, but not required, to appoint, as an additional member of said Tarboro School Board, a person who resides in such territory lying outside the corporate limits of the Town of Tarboro.

Appointment of additional member in event limits of City School Administrative Unit extended.

SEC. 2. All acts heretofore done or performed by the Tarboro School Board are hereby validated and ratified to the same extent as if the members of the said Tarboro School Board had at any and all times been selected in the manner provided by Chapter 38 of the Private Laws of 1919.

Acts of Tarboro School Board validated.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

1951— CHAPTER 559

AN ACT TO AMEND CHAPTER 770 OF THE SESSION LAWS OF 1949 RELATING TO THE METHOD OF APPOINTMENT OF THE TARBORO SCHOOL BOARD.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 770 of the Session Laws of 1949 is amended by adding at the end of the first paragraph the following:

"Provided that no incumbent member of the board shall succeed himself as a member of the board and shall not be eligible for reappointment until after two years after the end of his term.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1951.

THOMASVILLE

1901—Chapter 262.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF THOMASVILLE. AND TO ESTABLISH GRADED SCHOOLS FOR SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of the town of Thomasville may levy and collect annually the sum of fifty cents on the one hundred dollars worth of property, both real and personal, and the sum of one dollar and fifty cents on each poll. If a less sum is levied in any year the poll-tax shall be reduced in proportion, the constitutional equation between property and poll being always preserved. The taxes levied and collected under this section shall be used for all municipal purposes. The Board of Commissioners of said town may tax trades, professions, franchises and incomes as authorized and permitted by the Constitution.

Board of commissioners may annually levy and collect property and poll-tax.

Taxes collected to be used for municipal purposes.

May tax trades, professions, franchises and incomes.

Sec. 2. All taxes levied and collected for municipal and school purposes by said town shall be assessed and collected as prescribed by law for the collection of State and county taxes; and the town constable, or Tax-collector of said town, shall collect said taxes under the same rules and regulations as prescribed by law for the collection of State and county taxes by sheriffs and tax-collectors of the several counties of the State under the general law. The same person may hold the office of town constable, tax-collector and policeman of said town, but the Board of Commissioners of said town may appoint a town constable or a tax-collector or one or mre plicemen for said town.

Taxes to be assessed and collected as prescribed for collection of State taxes.

Town collector to collect under rules and regulations prescribed for collection of State and county taxes.

Same person may hold office of town constable, tax-collector and policeman.

Chapter 62 of Code to apply.

SEC. 3. Chapter 62 of The Code shall apply to the town of Thomasville, except such portion of said chapter as may be inconsistent with this act.

May submit question of bond issue for support of graded schools to qualified voters.

SEC. 4. The said Board of Commissioners may submit to the qualified voters of said town on the first Monday in May, A. D. 1901, and on the first Monday in May annually thereafter, under such rules and regulations as the said Board of Commissioners may prescribe, the question whether an annual tax shall be levied in said town for the issue of bonds and for the support of graded schools therein. Every qualified voter at any such election may vote a written or printed ballot with the words "For Graded Schools" or "Against Graded Schools" thereon. The penalties for illegal voting at every such election shall be as prescribed by law for the election of members of the General Assembly.

Penalties for illegal voting.

If majority vote for graded schools, taxes to be levied and collected.

Proviso.

SEC. 5. If a majority of the qualified voters of said town shall vote in favor of "Graded Schools," the taxes to pay said bonds and for said schools shall be levied and collected as prescribed in section two of this act: *Provided*, that the special taxes so levied and collected shall not exceed in any year the sum of one-half of one per cent. on the value of property and one dollar and fifty cents on the poll; and the taxes thus levied and collected shall be applied exclusively for the support of graded schools and for the payment of the principal and interest of the bonds authorized by this act.

Bonds not to exceed $10,000, to run thirty years, may be issued, when.

SEC. 6. If a majority of the qualified voters of said town shall vote "For Graded Schools" at any such election, bonds to the amount not to exceed ten thousand dollars, running for thirty years, [shall be issued] in such sums as the said Board of Commissioners shall prescribe, not less than one hundred dollars each. The said bonds shall be signed by the Mayor and countersigned by the Clerk, with the seal of said town attached to each bond, and the interest on said bonds shall be at a rate not exceeding five per centum per annum, payable semi-annually, represented by coupons attached, lettered and numbered corresponding to the bonds of which they represent the interest. At the end of twenty years a sinking fund shall be set apart out of said special taxes amounting to one thousand dollars, for the twenty-first year from the date of issue, for the payment on the principal of said bonds when they become due, and on each year thereafter until the bonds shall become due, one thousand dollars shall be set apart out of said special taxes for payment on the principal of said bonds when they are due or payable. This sinking fund shall be carefully invested and may be used for the purpose of any of said bonds at par, or may be loaned out by said Board of Commissioners on good real estate security at the legal rate of interest.

How bonds signed.

Sinking fund to be set apart.

Sinking fund to be carefully invested.

Board of commissioners may purchase lands for graded school property.

SEC. 7. The Board of Commissioners of the town of Thomasville may purchase lands for graded school property and take title to the same in the name of the town of Thomasville, but all such lands shall be held exclusively for the graded schools of said town; and said board may sell said lands when deemed necessary, or may borrow money on the same by mortgage for the benefit of said graded schools.

Superseded, S.L. 1965, ch.88

Commissioners may appoint a graded school committee.

SEC. 8. [The Board of Commissioners of said town may appoint a Graded School Committee of five members, to serve as follows: one member shall serve for six years, two members shall serve for four years, and two members shall serve for two years, and until their successors are appointed and qualified.]

Term of office.

Graded school committee to be a body politic and corporate.

SEC. 9. The Graded School Committee of Thomasville shall be a body politic and corporate, may sue and be sued, may have a common seal and may hald, receive, buy, sell and mortgage real estate for the benefit of said graded schools, with the approval of said Board of Commissioners, and said Graded School Committee shall have the exclusive control and management of the school property and the graded schools of said town.

Compensation of principal and teachers.

SEC. 10. The principal and teachers of such graded schools may be paid such compensation as the said Graded School Committee shall think proper.

SEC. 11. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day March, A. D. 1901.

1959—CHAPTER 305

AN ACT PROVIDING THAT THE BOUNDARIES OF THE CITY OF THOMASVILLE CITY ADMINISTRATIVE SCHOOL UNIT SHALL BE COTERMINOUS WITH THE BOUNDARIES OF THE CITY OF THOMASVILLE.

The General Assembly of North Carolina do enact:

Section 1. The boundary lines of the Thomasville City Administrative School Unit are and shall be coterminous with the boundary lines of the City of Thomasville and, whenever the boundaries of the City of Thomasville are extended, the citizens and property within any territory annexed to the corporate limits of the City of Thomasville shall enjoy the same rights and shall be subject to payment of the same taxes, school or otherwise, as the citizens and property within the corporate limits of the City of Thomasville prior to the annexation of any such territory.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of April, 1959.

1965—CHAPTER 88

AN ACT TO AMEND CHAPTER 255 OF THE PRIVATE LAWS OF NORTH CAROLINA FOR 1911, RELATING TO THE TERMS OF MEMBERS OF THE THOMASVILLE SCHOOL BOARD.

The General Assembly of North Carolina do enact:

Section 1. All of Sections 1, 2 and 3 of Chapter 255 of the Private Laws of North Carolina for 1911 is repealed and the following is substituted in lieu thereof:

"Section 1. The members of the present Thomasville School Board of the City of Thomasville shall serve for the terms for which they have been appointed.

"Sec. 2. The City Council of the said City shall appoint the successors to the present members of said School Board as follows:

"Three members shall be appointed on the first Monday in July, 1965, for a term of two years. Two members shall be appointed on the first Monday in July, 1966, for a term of two years. The successors of the members of said committee shall be appointed by the City Council of the said City for terms of two years as their respective terms expire. When a vacancy occurs during a term, it shall be filled for the unexpired term only."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1965.

TRYON

1903—CHAPTER 101.

AN ACT FOR THE ESTABLISHMENT OF A GRADED SCHOOL TO BE KNOWN AS "TRYON GRADED SCHOOL," IN POLK COUNTY.

The General Assembly of North Carolina do enact:

New school district. Polk county.

Description of boundaries.

SECTION 1. That the Board of School Commissioners hereinafter to be appointed for a district.... in Polk County, namely, in Tryon Township and Public School District No..., bounded as follows: Beginning at the south-east corner of Tryon Township; thence in the boundary line of said township to the south-east bank of Pacolet River, opposite the mouth of Kellor's Branch; thence up the south-east bank of Pacolet River to the mouth of Mill Creek, near J. B. Cleveland's country house; thence up said creek to where it crosses Chas. E. Erskin's line; thence by a direct line to the deep cut in the Tryon and Lynn Road; thence in a straight line to T. T. Ballenger's Ford of Pacolet; thence in a north-westerly direction in the straight line joining said ford and the intersection of the Columbus and Howard Gap Roads, near Forrester's, where said line crosses the north-west boundary line of T. T. Ballenger's home tract; thence in a south-westerly direction along said Ballenger's north-west boundary line to the ford of Williams' Creek; thence up said creek to Whitney and Talley's line; thence with said Whitney and Talley's line to Hawes and Cooner's north-east corner; thence with said Hawes and Cooner's line to their north-west corner; thence in their south-west boundary line to Keenan's north-west boundary line; thence with said line to his (Keenan's) south-west corner; thence south-easterly to the Sandy Gap; thence south-westerly with

Description.

Commissioners to submit question to voters, when.

Notice of election.

the Berrell Branch to the South Carolina State line; thence easterly with said line to the place of beginning. Shall on the first Tuesday in May next ensuing, submit to the qualified voters of said district of ....County, the question of establishing a graded school in said district. The said Board of School Commissioners shall give thirty days' notice of said election in each of the two newspapers published in said county, and post a notice of said election in at least four (4) different places in said district.

Registrar and poll holders.

Election, when to be held.

Ballots.

SEC. 2. The said Board of School Commissioners shall select two men, qualified voters of said district, who, with the registrar of Tryon Township, shall act as poll holders on said election and who shall be governed by the same rules and regulations as provided in the election of county officers, and the qualified voters of said district shall vote at said election on the first Tuesday in May next ensuing, tickets on which shall be written the words "For Graded School" or "Against Graded School," and the result of the election shall be declared by the same rules as govern the election of county officers.

If majority favor school.

Commissioners to levy tax.

Amount, poll and property.

SEC. 3. That if a majority of the qualified voters of said district shall vote at said election in favor of a graded school, it shall be the duty of the Board of School Commissioners provided for by this act and their successors to levy annually a special tax not exceeding 33 1-3 cents on the one hundred dollars, and upon the poll not exceeding one dollar, and the said tax shall be collected annually by the Sheriff of Polk County.

Duty of sheriff.

How disbursed.

What purpose.

SEC. 4. It shall be the duty of the Sheriff of Polk County to turn over such taxes as may be collected under section three of this bill to the treasurer of the Board of School Commissioners herein provided for, who shall pay out the same for the exclusive use and benefit of said graded school only upon the warrant or order signed by the chairman and secretary of said Board of School Commissioners.

Public school funds, disposition of.

Public school property.

SEC. 5. That all public funds derived from the State and county for the use and benefit of said school district shall be paid by the Treasurer of Polk County to the treasurer of said Board of School Commissioners for the use and benefit of said graded school, and the school property of the said district shall become the property of said graded school and shall be vested in said Board of School Commissioners in trust.

Board of school commissioners created, nature of.

Amended, Pr.L. 1917, ch. 178 §1

Tenure.

Amended, Pr.L. 1919, ch. 144 §1

SEC. 6. [That for the purposes of this act there is created a Board of School Commissioners of said district, and this board shall consist of [five members] divided into two classes, one consisting of two members whose term of office shall expire at the end of one year, and one consisting of three members whose term of office shall expire at the end of two years, each class to date from the first Tuesday in May, 1903.]

Board of commissioners, personnel.

Amended, Pr.L. 1919, ch. 144 §1

SEC. 7. [It is further enacted, that W. T. Lindsey and F. P. Bacon be and they are hereby named and appointed in the first class for the first year, beginning the first Tuesday in May, 1903; and that Earl Grady, M. D., T. T. Ballenger and W. M. Page be and they are hereby named and appointed in the second class for the year beginning the first Tuesday in May, 1903; and it is further enacted, that upon the expiration of the terms above named and fixed the

Election for members of board, when.

qualified voters in said district shall elect annually thereafter successors in each class for one and two years respectively.]

Powers and privileges of board.

Sec. 8. That the Board of School Commissioners therein appointed and their successors shall have entire and exclusive control of said graded school; shall employ and fix compensation of officers and teachers and do all other acts that may be necessary, just and lawful for the successful management of said graded school; and said Board of School Commissioners shall be a body corporate under the name of "The Board of School Commissioners of Tryon Graded School," with power to sue and to be sued, plead and be impleaded, and by that name shall be capable of receiving gifts, grants, or making purchases, of buying, holding and selling property, both real and personal, for school purposes; of prosecuting and defending suits for and against the corporation hereby created. Conveyances and all other instruments to said board shall be made to them and to their successors in office, and all deeds and other agreements shall be deemed sufficiently executed when signed by the chairman and secretary of said Board of Commissioners.

Board incorporated. Name.

Corporate powers.

Conveyances.

Number of district.

Sec. 9. That said district of country, the bounds of which have been herein given, shall constitute District No... of the public school districts of Polk County.

Elections, where held.

Sec. 10. That the place for holding the elections herein authorized shall be the Tryon town building, and the same is established as a polling place for said elections.

Repealing clause.

Sec. 11. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Sec. 12. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 18th day of February, A. D. 1903.

1917—Chapter 179

AN ACT TO AMEND CHAPTER 101 OF THE PRIVATE LAWS OF 1903, CREATING TRYON GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

School commissioners.

Amended, Pr.L. 1919, ch.144 §1

Classification and terms.

Section 1. That section six of chapter one hundred and one of the Private Laws of one thousand nine hundred and three be amended by striking out all of said section and adding in lieu thereof the following: "That for the purposes of this act there is created a board of school commissioners of said district, and this board shall consist of [five members] divided into two classes, one consisting of three members, whose term of office shall expire at the end of two years from their election, and one consisting of two members, whose term shall expire at the end of four years from their election."

Election of school commissioners.

Superseded, Pr.L. 1919, ch.144 §1

Sec. 2. That section seven of chapter one hundred and one of the Private Laws of one thousand nine hundred and three be amended by striking out all of said section and adding in lieu thereof the following: ["That on the first Tuesday in May, one thousand nine hundred and seventeen, and biennially thereafter, an election shall be held at the polling place in said district for the purpose of electing such school commissioners; at the first

Vacancies.

Superseded, S.L. 1947, ch. 546

Conduct of election.

Present comissioners shall hold over.

election five of such commissioners shall be elected, three for two years and two for four years, and biennially thereafter such as whose term will expire at the date of such election, for the long and short terms as the terms expire] [In the event of any vacancy on the said board the remaining commissioners shall elect a commissioner or commissioners to fill such vacancy or vacancies until the next general election, when a commissioner or commissioners shall be elected to fill the unexpired term.] All such elections shall be conducted by the judges and poll-holders selected or appointed for the municipal elections of the town of Tryon, but such elections shall be conducted according to the provisions of this act and of the general school law. The present commissioners of said graded school district shall hold office until their successors are elected as provided for by this act.

Repealing clause.

SEC. 3. All laws and clauses of laws in conflict with this act be and the same are hereby repealed.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1917.

1919—CHAPTER 144

AN ACT TO AMEND AND SUPPLEMENT CHAPTER 101 OF THE PRIVATE LAWS OF 1903, RELATING TO TRYON GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and one of the Private Laws of one thousand nine hundred and three be, and the same is hereby amended and supplemented as follows:

School board of reduced membership to be elected.

Term of office.

That instead of five members, as provided in said chapter, the board of commissioners of Tryon graded school district shall be composed of three members, who shall be elected at the regular election to be held in and for said district the first Tuesday in May one thousand nine hundred and nineteen, and biennially thereafter, and shall hold office for the term of two years, or until their successors shall be chosen and qualify, said election to be held as provided by said chapter and amendments thereto.

Special tax to be submitted to voters.

Limit of tax.

Purposes of tax.

Form of ballot.

SEC. 2. That at said election on the first Tuesday in May, one thousand nine hundred and nineteen, the board of commissioners of said Tryon graded school district shall submit to the qualified voters of said district the question of levying a special tax, in addition to the tax heretofore authorized, not to exced fifty cents on every one hundred dollars worth of taxable property and one dollar and fifty cents on each taxable poll, the equality between property and poll to be observed, for the purpose of supplementing the school funds of said district and to create a sinking fund to pay the interest on and retire the bonds of said school district, now outstanding, at maturity. At said election those voting for said tax shall vote a ballot on which shall be written or printed the words "For Special Tax" and those voting against said tax shall vote a ballot on which shall be written or printed the words "Against Special Tax," and if a majority of the votes cast at said election shall be for said special tax the board of commissioners of said district shall annually thereafter, at the same time other taxes are levied in and for said district, levy a sufficient tax for school purposes, which tax shall not exceed fifty cents on every one hundred dollars worth of taxable property and one dollar and fifty cents on each taxable poll in addition to the tax heretofore authorized, and out of said tax they shall pay the interest on said bonds, as it falls due, and shall set aside annually a sufficient fund, as a sinking fund, to retire all of the outstanding bonds of said district, as they mature, and they shall use the remainder of said tax for the maintenance of the schools of said district. Said board of school commissioners shall for at least thirty days preceding said election give notice by posting notice of said election, setting forth therein the purpose of same and the amount of special tax to be authorized, at the voting place and postoffice in said district and by publishing said notice for at least four weeks immediately preceding said election in a newspaper published in Polk County. The registrar and judges of election shall be those appointed to hold the election for school commissioners for said district and for the municipal officers for the town of Tryon, and said election shall be held and the return and canvass made as is provided for the election of school commissioners for said district. The board of school commissioners may require a new registration for said election if they shall so order.

Application of proceeds.

Notice of election.

Conduct of election.

Canvass.

New registration.

SEC. 3. That the board of commissioners of said graded school district shall annually appoint a tax collector to collect the taxes for said school district and shall require of him a sufficient bond for the faithful discharge of his duties, and may pay said tax collector a commission not to exceed five per cent of the tax collected.

Collection of taxes.

SEC. 4. All vacancies on the board of school commissioners shall be filled by appointment of the remaining members of said board and such appointees shall hold office until the next regular election or until their successors shall be chosen and qualify.

Vacancies on board.

SEC. 5. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed. But this act shall not have the effect of creating a vacancy in the present board of commissioners for said district, but they shall hold office until their successors are chosen and qualify.

Present board to hold over.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified this the 10th day of March, A. D. 1919.

1947—CHAPTER 546

AN ACT TO APPOINT TRUSTEES OF THE TRYON CITY ADMINISTRATIVE SCHOOL UNIT IN POLK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That K. A. Bowen, R. B. White, W. F. Bryan, George Comer and J. C. Williams be, and they are hereby, appointed Trustees of the Tryon City Administrative School Unit for a term of two years, beginning April 1st, 1947, and continuing until March 31st, 1949, or until their successors are appointed and qualified. All vacancies in the membership of said board of trustees by death, resignation, or otherwise, shall be filled by the action of the county executive committee

Appointment of Trustees, Tryon Administrative School Unit.

Terms.

Filling of vacancies

of the political party of the member causing such vacancy, until the meeting of the next Regular Session of the General Assembly, and then for the residue of the unexpired term of that body. All vacancies that are not filled by the county executive committee under the authority herein contained within thirty days from the occurrence of such vacancies shall be filled by appointment by the State Board of Education. The persons herein appointed trustees of said school unit must qualify by taking the oath of office on or before the first Monday in April, 1947. A failure to qualify within that time shall constitute a vacancy. Those persons elected or appointed to fill a vacancy must qualify within thirty days after notification thereof. A failure to qualify within that time shall constitute a vacancy. The trustees herein appointed shall be subject to the provisions of the State School Administrative Act governing trustees.

Qualification of trustees.

Trustees subject to State School Administrative Act.

Election of Superintendent of Schools.

SEC. 2. That the Superintendent of Schools in the Tryon City Administrative School Unit shall be elected in accordance with the provisions as set out in Section 115-353 of the General Statutes.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act, are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

WASHINGTON

1899.—CHAPTER 409.

An act to establish graded schools in the town of Washington.

The General Assembly of North Carolina do enact:

[SECTION 1. That all the territory embraced within the corporate limits of the town of Washington, Beaufort county, shall be and is hereby constituted a school district for the white and colored children.]

School district established.

Amended,
Pr. L.Ex. 1921,
ch. 136, § 1

SEC. 2. That the commissioners of the town of Washington are hereby required to submit to the qualified voters of the said [town] within ninety (90) days after the passage of this act the question whether an annual tax shall be levied for the support of the public schools in said town, and the said election shall be held under the same rules and regulations as govern the election of municipal officers in said town.

Commissioners shall submit to voters question of levying special tax.

SEC. 3. That at the election held under the provisions of this act those favoring the levying of such tax shall vote a written or printed ballot without device with the words "For schools" upon it, and those opposed to the levying of such tax shall vote a written or printed ballot without device with the words "Against schools" upon it.

Form of ballot.

Superseded,
Pr. L.Ex. 1921,
ch. 136, § 5

SEC. 4. [That if a majority of the qualified voters in said town shall vote at said election in favor of levying such tax it shall be the duty of the board of commissioners of said town and their successors to levy annually a special tax to support the said schools not exceeding twenty (20) cents on the one hundred ($100) dollars worth of real and personal property and other property taxed by the laws of North Carolina, and upon the poll not exceeding sixty (60) cents, and said taxes shall be due and collected

Said tax shall be levied if majority of voters vote for it.

Maximum special tax.

Proviso.

Succeeding elections may be held.

annually by the town tax collector as and at the time other town taxes are due and collected: *Provided*, that if the officers of election shall ascertain as the result of the election that a majority of the qualified voters have cast their votes "For schools" and shall so declare, and the same is entered upon the records of the town, it shall be held and deemed prima facie evidence of such fact: *Provided further*, that if such tax is not voted at the first election held hereunder the board of town commissioners, upon the written petition of one-fifth of the qualified voters of said town, shall order another election held in the manner heretofore provided, said election to take place at the time and place of the regular municipal election in the year nineteen hundred.

Taxes shall be paid over to treasurer of town.

School funds shall be kept separate.

SEC. 5. That said taxes shall be paid over by the said tax collector of the said town to the treasurer of the said town, which officers shall give bonds in such amounts as the commissioners of said town shall direct, the former for the faithful collection and paying over and the latter for the safe keeping and proper distribution of said special taxes and other funds that may come into his hands for the use of said graded schools; and said treasurer shall keep said school funds separate and apart from all other moneys and shall pay out the same only upon a warrant signed by the chairman and secretary of the board of trustees of the graded schools of said town.

School shall be under the control of seven trustees.

Amended, Pr.L.1933, ch. 228

How elected

Division of trustees into classes.

Term of office.

Vacancies occurring, how filled.

Public school committee shall continue until election of trustees.

SEC. 6. That the graded public schools in said district shall be under the control and management of a board of trustees composed of [seven (7)] members, citizens of said town, who shall be elected by the board of commissioners of the town of Washington during the month of July eighteen hundred and ninety-nine, or later if for any reason they can not elect the same during said month. That the said board of town commissioners shall by ballot divide the said board of trustees into three classes; the members of the first class shall hold office for one year from first Monday in July, eighteen hundred and ninety-nine; the members of the second class shall hold office for two years from first Monday in July, eighteen hundred and ninety-nine; and the members of the third class shall hold office for three years from first Monday in July, eighteen hundred and ninety-nine; each shall hold until their successors are elected and qualified, and there shall be two members in the first class, three members in the second class and two members in the third class. After the expiration of the terms respectively for which the several members are elected, such vacancies shall be filled by the said board of town commissioners by the election of successors for terms of three years each: *Provided*, that vacancies by death or resignation or any other cause than by expiration of term shall be filled by said board of town commissioners only for the unexpired terms of such members: *Provided further*, that the present public school committee in said town elected under chapter three hundred and forty-three, public laws of eighteen hundred and ninety-seven, shall continue to hold office as a board of trustees under this act and to manage and control the public schools of said town until the election and qualification of the board of trustees hereinbefore provided under this act.

Superseded,
Pr. L. Ex. 1921,
ch. 136, § 2

Body corporate.
Corporate name.
Corporate powers.

SEC. 7. That the board of trustees herein created and their successors shall be a body corporate by the name and style of "The Board of School Trustees of the town of Washington," and by that name shall be capable of receiving gifts and grants, of leasing property, of purchasing and holding real and personal estate, of conveying, mortgaging and transferring the same for school purposes, of prosecuting and defending suits; all conveyances of real estate shall be executed in the manner provided by law for corporations. The corporation may have a corporate seal, which it may alter at pleasure.

Schools for white and colored races.

SEC. 8. That it shall be the duty of said board of trustees to establish graded public schools for the white and colored children of said town, and said board shall use and appropriate the funds derived from said special taxes and all other sources in such a manner as shall be just to both races, giving each equal school facilities, due regard, however, being had to the cost of establishing and maintaining the graded schools of each race. That the board of trustees provided by this act shall have entire and exclusive control of the public schools and property in the town of Washington; shall prescribe rules and regulations for their own government and the government of the schools not inconsistent with the provisions of this act; shall employ and fix the compensation of officers and teachers of the public schools, shall make an accurate census of the school population of the town as required by the general school law of the state and do all other acts that may be just and lawful in the management of the public school interests in said town: *Provided*, that all children resident in the town of Washington between the ages of six (6) and twenty-one (21) years shall be admitted into said schools free of tuition charges, and those desiring admission into said schools as pay students may be admitted upon such terms as the board may determine.

Trustees shall have exclusive control

Proviso.

Children admitted to said schools.

School funds derived from state and county.

SEC. 9. That all public school funds derived from the state and Beaufort county for the use and benefit of the public schools in said town shall be paid to the town treasurer by the treasurer of Beaufort county for the use and benefit of the graded public schools in said town and the property both real and personal of said public school district, whether heretofore belonging to the white or colored public schools, shall become the property of said graded schools and shall be vested in the said board of trustees in trust for said schools, and the said board may sell the same or any part thereof if deemed necessary or advisable and apply the same for the use of said graded schools.

Election of superintendent.

SEC. 10. That the board of trustees created under the provisions of this act shall elect annually at least thirty (30) days before the opening of the fall session a superintendent of the graded schools in said town, whose duties shall be as prescribed by said board of trustees, and the said superintendent shall examine all applicants for positions as teachers in said schools and certify the result to said board before their election as such teachers by said board; no other certificates of qualification shall be necessary for such teachers before their election as teachers in said schools. The said superintendent shall also act as secretary to said board of trustees should the said board so elect him or require him to serve.

Examination of teachers.

Trustees shall make annual report.

SEC. 11. That it shall be the duty of said board of trustees to make annually after the close of each school year a full and complete report of the operations of said graded schools together with a financial report, and also such recommendations and plans for the future as may in their judgment be advisable to the mayor and board of commissioners of the town of Washington. Said board of trustees shall also include in their report such data and other information as may be required under the general school law.

Trustees and superintendent to fix curriculum.

SEC. 12. That the board of trustees jn conjunction with the superintendent are hereby authorized in their discretion to fix a curriculum of studies and adopt text books for said graded schools

Conflicting laws repealed.

SEC. 13. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 14. That this act shall be in force from and after its ratification.

Ratified the 6th day of March, A. D. 1899.

1921—CHAPTER 136

AN ACT TO AMEND CHAPTER 409 OF THE PUBLIC LAWS OF NORTH CAROLINA OF 1899, ENTITLED "AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN OF WASHINGTON."

The General Assembly of North Carolina do enact:

Law amended.

SECTION 1. That section one of chapter four hundred and nine of the Public Laws of North Carolina, session of one thousand eight hundred and ninety-nine, entitled "An act to establish graded schools in the town of Washington," be amended by striking out section one and inserting in lieu thereof the following:

Washington public school district.

Boundary.

"SECTION 1. That the following territory in Beaufort County be and is hereby created a public school district for the white and colored children and shall be known as 'Washington Public School District,' namely: 'Beginning at the mouth of Kennedy's Creek and thence up said creek to a point where the Grimes-Simmons line intersects said creek; thence with the said Grimes-Simmons line to the old Washington and Greenville County road; thence with said road to Cypress Branch and with said branch to Cherry's Run; thence up said run to the Washington and Williamston road; thence continuing up the run to the south fork of said run; thence with the south fork of said Cherry's Run to Hoyt's lead ditch and with said lead ditch to Hoyt's road; thence with said road to its intersection with the Havens-Rodman line; thence with said Havens-Rodman line to Rodman's wire fence (the course and location of said fence to be determined by survey); thence with said fence to the Washington-Jamesville road; thence with said road to the corner between the Baugham line and the old Parker place; thence with said line to its intersection with the old Smallwood line; thence with the old Smallwood-Baugham line to the county home line; thence with said line to the concrete Bath road; thence with said road to the old Brick Kiln road; thence eastwardly with said Brick Kiln road to the River road; thence across and with said River road to the corner of the property of the "Washington Collegiate Institute"; thence in a southwestwardly direction with said property line to Pamlico River; and thence up and with said river to Kennedy's Creek.' That within the boundaries aforesaid are included the city of Washington, and also certain territory lying outside of and contiguous to the boundaries of said city."

Sec. 2. That the corporate name of "The Board of School Trustees of the town of Washington" be and the same hereby is changed to "The Board of School Trustees of the city of Washington," and they shall exercise the same jurisdiction and powers within the school district herein enlarged as they formerly exercised in the original school district created by the act herein amended and all amendments thereto. That the board shall consist of seven members as heretofore, that the existing members shall serve the enlarged district until the expiration of their term, and their successors shall be elected by the board of aldermen of the city of Washington, and be divided into classes and serve for the same term as heretofore provided.

Corporate names.

Jurisdiction and powers.

Number of trustees.
Present members to fill out terms.

Election of successors.

Sec. 3. That the treasurer of the city of Washington shall by virtue of his office be, and he is hereby, constituted the treasurer of the enlarged school district herein created: *Provided*, that the board of school trustees of the city of Washington may in their discretion elect another to act independently as treasurer of the Washington Public School District, whose term of office shall begin at the beginning of the ensuing fiscal school year, and who shall be elected annually, and shall execute bond with sufficient surety in such sum as the board shall determine for the faithful discharge of his duties. That the tax collector of the city of Washington, by whatever title designated, be and he is hereby constituted the tax collector of the enlarged school district herein created, and he is hereby authorized and directed to collect all taxes imposed on persons and property in said district at the same time and in the same manner and with the same liability as provided by law for the collection of city taxes, and shall pay over the same as collected to the treasurer of the Washington Public School District. That the treasurer and tax collector aforesaid shall execute such bonds or additional bonds as may be required by the board of aldermen of the city of Washington or the board of school trustees, respectively, the former for the safe-keeping and lawful expenditure of all funds which may come into his hands for the use of said schools, and the tax collector for the faithful collection and paying over of such school funds as belong to such school district. Both the treasurer and tax collector shall keep said school funds separate from all other moneys, and the treasurer shall disburse the same only upon a warrant signed by the chairman or the vice-chairman and secretary of the board of school trustees.

Treasurer of city to be treasurer of district.

Proviso: trustees may elect independent treasurer.

Term of office.

Bond.

Tax collector.

Powers and liabilities.

Settlement.

Bonds of treasurer and of tax collector.

School funds kept separate.

Warrants on fund.

Sec. 4. That for all the purposes and benefits of this act and the administration thereof, the provisions of all laws governing the assessment of real and personal and other property, the levy and collection of municipal taxes, and the holding of municipal elections in the city of Washington, shall be and are hereby made applicable to all that portion of the said Washington Public School District lying outside of the municipal boundaries of the

Laws extended to district.

Election wards.

Powers vested in municipal authorities.

city, as fully as if the same lay within said boundaries, and that in all elections held in said school district the board of aldermen of the city of Washington may create into a ward or wards or attach to any ward or wards the whole or any part of the territory lying outside of said boundaries. That in the execution of the powers conferred upon them by this act, the municipal authorities of the city of Washington are hereby vested with the same powers within the entire school district as they now possess within the boundaries of the city of Washington, the intent of this act being to confer upon the mayor and board of aldermen the same authority regarding the public school district hereby created which they have heretofore exercised when the Washington Public School District was coterminus with the boundaries of the city.

Special tax.
Limit of rate.

Collection of tax.

Election.

Law governing election.

SEC. 5. That a special tax to maintain and support the public schdols in the above described territory, not exceeding forty-five cents (45c) on each one hundred dollars ($100) worth of real and personal property and other property taxed by the laws of North Carolina, and not exceeding one dollar and thirty-five cents ($1.35) upon each poll, shall be levied in said school district and collected annually by the municipal authorities of the city of Washington in the manner herein provided, this being the maximum tax authorized by vote of the people. If for any reason the municipal authorities of the city of Washington shall determine that they are not lawfully authorized herein to levy and collect such taxes upon the property and polls in that part of the school district lying outside of the municipal limits for the support of the schools of the district; or, if they shall be lawfully enjoined or prevented from so doing by any court of competent jurisdiction, then in either of such events, the board of aldermen of the city of Washington are hereby required forthwith to submit to the qualified voters of that part of said school district lying outside of the municipal boundaries, the question of whether an annual tax not exceeding forty-five cents (45c) on each one hundred dollars ($100) valuation of taxable property and one dollar and thirty-five cents ($1.35) on the poll, shall be levied and collected for the support of the public schools of the Washington Public School District. Such election shall be held and the result ascertained and with the same effect as provided under the general school law for submitting the question of a special school tax in school districts, except that the election shall be held in the same manner as provided by law for holding municipal elections in said city.

Law as amended to remain in force.

SEC. 6. That chapter four hundred and nine of the Public Laws of North Carolina, session of one thousand eight hundred and ninety-nine, entitled "An act to establish graded schools in the town of Washington," and all the provisions thereof, shall remain in full force and effect, and shall be applicable to the Washington Public School District, as herein enlarged, except insofar as the same is modified by this act or by other acts.

Repealing clause.

SEC. 7. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 8. That this act shall be in force from and after its ratification.

Ratified this the 19th day of December, A.D. 1921.

1933—Chapter 228

AN ACT AUTHORIZING THE BOARD OF ALDERMEN OF THE CITY OF WASHINGTON TO APPOINT NINE, INSTEAD OF SEVEN, TRUSTEES OF THE WASHINGTON PUBLIC SCHOOL DISTRICT, AMENDING SECTION SIX, CHAPTER 409, PUBLIC LAWS 1899, IN REFERENCE THERETO.

The General Assembly of North Carolina do enact:

Section 1. **That the Board of Aldermen of the City of Washington be, and they hereby are, authorized and empowered to appoint nine, instead of seven, Trustees of the Washington Public** School District, and that Section six, Chapter 409, Public Laws of 1899, be, and the same hereby is, amended to permit the same.

Number of Washington School District Trustees reduced.

Ch. 409, Public Laws 1899, thus amended.

Sec. 2. That the Board of Trustees of said Washington Public School District shall be appointed on the first Monday in July, 1933, and thereafter as prescribed by law.

Time of appointment.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of May, A.D. 1933.

WELDON

1903—CHAPTER 324.

AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN OF WELDON.

The General Assembly of North Carolina do enact:

Graded school district.

Boundaries.

SECTION 1. That all territory lying within the corporate limits of the town of Weldon, and all of the portion of Halifax County not embraced within said corporate limits, but lying contiguous thereto within the following boundaries, to-wit: Commencing at a point where the western line of the land of G. W. Fulghum intersects the southern boundary of the canal of the Roanoke Navigation and Water Power Company; thence along the line of said land of G. W. Fulghum to the line of the land of the West Weldon Land and Improvement Company; thence along the western boundary of the Westray Place of said Land and Improvement Company to the public road leading from Tilghman's Cross-Roads, to the town of Weldon; thence along the said public road towards Weldon, to a point where said public road crosses the Seaboard Air Line Railway; thence along the track of said Seaboard Air Line Railway to Chockoyotte Creek; thence up Chockoyotte Creek to the southern line of the Glenview track of land, owned by the heirs of R. W. Daniel, deceased; thence along said line until the railroad of the Atlantic Coast Line Company is reached; thence a straight line to the public road leading from Weldon to Halifax; thence down said public road to a point where the Halifax Road forks and goes to the H. J. Pope place; thence along the road to the Pope place until the line of the Bell place, owned by M. W. Ransom, is reached; thence along said

Amended,
(added)
Pr. L. 1905,
ch. 162, § 1

line to Long's Bayou; thence down said Bayou to Roanoke River; thence up said Roanoke River to a point thereon opposite the first station, Fulghum's line; thence a straight line from said point to the beginning, Fulghum's line[ ]

How governed.

SEC. 2. That for the purposes and benefits of this act the provisions of all laws governing the assessment of real estate and personal property, the levy and collection of municipal taxes, and the holding of municipal elections in the town of Weldon shall be and are hereby extended to that portion of said school district lying without the corporate limits of said town, as fully as if the same lay within said corporate limits, and that in all elections held under this act, that portion of said school district lying without the said corporate limits shall be deemed a ward of said town.

Issue of bonds.
Amount.
Denominations.
Rate of interest.
Form.
When redeemable.
Proviso.

SEC. 3. That the Board of School Trustees hereinafter provided for shall be and is hereby authorized and empowered to issue bonds of said school district to an amount not exceeding ten thousand dollars, of such denomination and of such proportion as said Board of Trustees may deem advisable, bearing interest from date thereof at a rate not exceeding six per centum per annum, with interest coupons attached payable semi-annually, at such time and such place or places as may be deemed advisable by said Board of Trustees, said bonds to be of such form and tenor and transferable in such way, and the principal thereof payable or redeemable as follows: Five hundred ($500) dollars on the 1st day of January, 1910, and five hundred annually thereafter, till all are paid, at such place or places as said Board of Trustees may determine: *Provided*, that said Board of Trustees shall issue said bonds at such time or times, and in such amount or amounts as may be required to meet the expenditure hereinafter provided for in section four of this act.

Proceeds of bonds.
Application of.

SEC. 4. That the proceeds arising from the sale of said bonds, or such part thereof as may be necessary, shall be expended by said Board of Trustees in providing, by purchase or otherwise, such graded school buildings as may be required, and in furnishing the same with school furniture and other necessary equipment.

Not to be sold at less than par.
Application.

SEC. 5. That none of said bonds shall be disposed of by sale, exchange, hypothecation or otherwise, for a less price than their par value; nor shall said bonds or their proceeds be used for any other purpose than that declared in section four of this act.

Exempt from town tax.
Coupons receivable for town taxes.
When interest on same to cease.

SEC. 6. That said bonds and their coupons shall not be subject to taxation by the town of Weldon until they become due, and tender of payment shall have been made, and such coupons shall be receivable in payment of all taxes and other dues of said town for any fiscal year in which said coupons become due, or thereafter; and if the holder of said coupons shall fail to present the same for payment at the time or times, and at the place or places therein named, he shall not be entitled to interest thereon for the time they shall have been outstanding after maturity.

Special tax.

SEC. 7. That for the purpose of providing for the payment of said bonds and the interest thereon, and of defraying the expenses of the public graded schools provided for in this act, the

Board of Commissioners of the town of Weldon shall annually and at the time of levying the municipal taxes, or as soon thereafter as practicable, commencing with the fiscal year beginning the first day of May, nineteen hundred and three, levy and lay a particular tax on all persons and subjects of taxation within the limits of said school district, on which said Board of Commissioners may now, or hereafter, be authorized to lay and levy taxes for any purpose whatsoever, said particular tax to be not more than thirty-three and one-third cents on the one hundred dollars assessed valuation on property, and not more than one dollar on each taxable poll.

Rate.

Sec. 8. That said taxes shall be collected by the Tax Collector of the town of Weldon at the time and in the manner that the municipal taxes are collected, and said Tax Collector shall pay the same over to the Treasurer of said town, who shall keep such moneys separate and apart from the municipal funds. And said Treasurer shall pay out said taxes and other funds which may come into his hands for the use of said graded schools, only upon the warrant of the Chairman and Secretary of the Board of Trustees: *Provided*, that said Tax Collector and said Treasurer shall enter into bond in such amounts as said Board of Trustees shall direct, the former conditioned for the faithful collection and paying over, and the latter for the safe keeping and proper distribution of said taxes and other funds that may come into the hands of either for the use and benefit of said graded school, the compensation to be fixed by the said Board of Trustees.

Collection and payment to treasurer.

To be kept separate. How disbursed.

Bonds required.

Sec. 9. That the provisions of sections 3 and 7 of this act shall be submitted to a vote of the qualified voters of said school district at an election on a day to be designated by the Board of Commissioners of the town of Weldon at any time after the ratification of this act. That thirty days' notice of such election, containing a copy of the provisions of sections 3 and 7 of this act, or a synopsis of the same, shall be published in one or more weekly papers published in the town of Weldon, and in all other respects said election shall be held and conducted under the provisions of the law governing the holding of municipal elections in said town. Those qualified voters approving the issue of bonds provided for in section 3, and the levy and collection of the particular taxes provided for in section 7 of this act shall deposit a ballot containing the written or printed words "For Schools," and those disapproving the same shall deposit a ballot containing the written or printed words "Against Schools." If a majority of such voters shall vote "For Schools," it shall be deemed and held that a majority of the qualified voters of said school district are in favor of granting to the aforesaid Board of School Trustees authority to issue such bonds, and to the Board of Commissioners of said town authority to levy such particular tax, and said Board of School Trustees and said Board of Commissioners shall have such authority. But if a majority of such qualified voters shall vote "Against Schools," then said Board of School Trustees and said Board of Commissioners shall not have such authority: *Provided*, that the result of such election duly ascertained, in accordance with law, shall be enrolled among the pub-

Election.

Publication of notice.

How governed.

Ballots.

Returns.

Conclusive after 30 days.

Second election after six months.

lic records of the town of Weldon; and, after thirty days from the date of such enrollment, such record shall not be open to attack, but shall be held and deemed conclusive evidence of the truth of the facts therein recited: *Provided further*, that if a majority of said qualified voters shall fail to vote in favor of issuing such bonds and of levying such particular tax, the Board of Commissioners of said town of Weldon shall order another election, at any time after the expiration of six months from the date of the former election, and if at such election a majority of the qualified voters shall vote "For Schools," it shall have the same force and effect as if no election had been previously held.

Trustees named.

Superseded, Pr. L. 1917, ch. 143

To serve without compensation. Terms of office.

Vacancies, how filled. Election of successors.

Quorum.

Trusteeship not to disqualify from holding other office.

Sec. 10. [J. A. Musgrove, J. L. Shepherd, Paul Garrett, D. B. Zollicoffer, G. W. Fulghum, S. D. Hancock, E. Clark, I. E. Green and W. E. Daniel are hereby appointed and constituted a Board of Trustees for the graded public schools of said district, who shall serve without compensation. The three first named shall hold their offices for the term of two years, the second three named for the term of four years, and the last three named for the term of six years. Vacancies occurring by reason of the expiration of the terms of office of the Trustees aforesaid, by death or otherwise, shall be filled by the said Board of Trustees at a meeting called for that purpose, and shall be for the unexpired term of the trusteeships so filled except when the vacancy occurs by reason of the expiration of the terms of office, when the term shall be for six years.] A majority of the Board shall constitute a quorum: *Provided*, that the acceptance of said office of School Trustees shall not disqualify any person so accepting from holding any other office of trust or profit whatsoever under the laws of the State of North Carolina.

Body corporate.

Corporate name.

Corporate powers

Common seal.

Sec. 11. That said Board of Trustees and their successors shall be and are hereby constituted a body corporate by the name and style of "The Board of School Trustees of Weldon," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire by gift, purchase or devise real and personal estate, hold, exchange, mortgage or sell the same, and exercise such other rights and privileges as are incident to other corporations. And said corporation shall have a corporate seal, which it may break and change at pleasure.

Establishment of schools.

Equal facilities for both races.

Application of donations.

Sec. 12. That it shall be the duty of said Board of Trustees to establish graded public schools for the white and colored children of said district. And said Board of Trustees shall appropriate and use the funds derived from said particular taxes, and from other sources, in such manner as shall be deemed just to both races, providing equal school facilities for each, due regard being paid, however, to the difference in the cost of maintaining said schools: *Provided*, that all donations to said school shall be applied as directed by the donors.

Trustees to govern schools.

Rules and regulations.

Employment of teachers

Sec. 13. That said Board of School Trustees shall have exclusive control of all public schools in said school district, shall prescribe rules and regulations not inconsistent with this act for their own government and for the government of such schools; shall employ, prescribe the qualifications and fix the compensation of all officers and teachers of such schools; shall cause to be taken, from time to time, in accordance with the general school law of the State, an accurate census of the school population of the said school district, and shall exercise such other powers as may be necessary for the successful control and operation of said graded schools: *Provided*, that nothing in this act shall be held to authorize the County Board of School Directors, nor the County Superintendent of Schools of Halifax County to exercise any authority or control whatever over the graded public schools of said school district, or the officers and teachers thereof: *Provided*, that the schools established under this act shall be subject in all respects to the public school law regulating other public schools of Halifax County and of the State.

School census.

Subject to general school law, but not to county school authorities.

SEC. 14. That all public school funds derived from the State and from the county of Halifax for the use and benefit of the public schools in said school district shall be paid over to the Treasurer of the town of Weldon by the Treasurer of said county for the use and benefit of the graded public schools in said school district; and the property, both real and personal, of the various school districts embraced within the limits of said school district shall become the property of said graded schools, and the title thereto shall be vested in said Board of Trustees, in trust therefor, and said Board of Trustees may, in their discretion, sell the same, or any part thereof, and apply the proceeds to the use of the said graded schools.

Trustees to control State and county school funds.

Town treasurer to receive.

School property transferred to trustees.

May sell same.

SEC. 15. That said Board of Trustees may, if in their judgment necessary for the maintenance of said graded schools, require from each pupil entered therein an incidental fee of not more than two dollars per annum, payable as said Board of Trustees may direct: *Provided*, that such fee shall be applied exclusively to the maintenance of such grade in such schools as the pupil paying shall attend.

May charge limited tuition fee.

SEC. 16. That said Board of Trustees shall elect annually, at least thirty days before the opening of the fall term of said graded school, a Superintendent, who shall supervise the graded public schools of said school district, and exercise such other powers, and discharge such other duties as said Board of Trustees may prescribe.

Trustees to elect superintendent annually.

SEC. 17. That said Board of School Trustees, together with the Superintendent, are hereby authorized, in their discretion, to fix a curriculum of studies, and to adopt text-books for said graded schools, and to admit pupils residing without the limits of said school district upon such terms as the said Board of Trustees may deem just and reasonable.

Curriculum.

Text-books.

SEC. 18. That it shall be the duty of said Board of Trustees to make to the Mayor and Board of Commissioners of the town of Weldon annually, after the close of each school year, a full report of the operations of the graded public schools of said school district, and duplicate copies of said report shall be furnished to the County Superintendent of Schools of Halifax County.

Trustees to report annually.

SEC. 19. That the County Board of School Directors of Halifax County shall apportion the school funds coming to said school district direct thereto upon a per capita basis, in accordance with the provisions of section 17, chapter 732, of the Public Laws of 1899.

Per capita apportionment of school funds.

Fines and penalties credited to school fund.

SEC. 20. That all fines and penalties imposed and collected in the Court of the Mayor of the town of Weldon shall be paid to the Treasurer of the said town of Weldon, and by him credited to the fund for defrayng the expenses of the graded schools provided in this act.

Conflicting laws repealed.

SEC. 21. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 22. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1903.

1905—CHAPTER 162.

AN ACT TO AMEND CHAPTER 324 OF THE PUBLIC LAWS OF 1903, ENTITLED "AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN OF WELDON."

The General Assembly of North Carolina do enact:

School district.

SECTION 1. That section one of chapter three hundred and twenty-four of the Public Laws of North Carolina, session one thousand nine hundred and three, be amended by adding at the end of said section, after the words "Fulghum's line," the following words: "shall be and is hereby constituted a public school district for white and colored children, to be known as the Weldon Graded School District."

Trustees changed.

SEC. 2. That section ten of chapter three hundred and twenty-four of the Public Laws of North Carolina, session of one thousand nine hundred and three, be amended by striking out in line two of said section the words "G. W. Fulghum" and inserting in lieu thereof the words "P. N. Stainback"; and by striking out in line one of said section the words "J. L. Shepherd" and inserting in lieu thereof the words "J. T. Gooch"; and by striking out the words "E. Clark" in section ten of said chapter in line two and inserting in lieu thereof the words "F. W. Garrett."

Repealing clause.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1905.

1917—CHAPTER 143

AN ACT TO AMEND CHAPTER 324, PUBLIC LAWS OF NORTH CAROLINA, 1903, ENTITLED "AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN OF WELDON, AS AMENDED BY CHAPTER 162, PRIVATE LAWS 1905."

The General Assembly of North Carolina do enact:

Preamble: Expiration of terms.
Preamble: Trustees holding over.

That whereas the terms of the trustees of the graded schools in the town of Weldon have expired; and whereas the trustees holding the said office as trustees of said graded schools have held the same pending the election and qualification of their successors:

SECTION 1. That W. E. Daniel, G. W. Fulghum, J. A. Musgrove, J. L. Shepherd, W. W. Wiggins, W. J. Ward, I. E. Green, J. W. Sledge, and A. S. Allen be and they are hereby appointed and constituted a board of trustees of the graded public schools of the Weldon Graded Schools of the district, who shall serve without compensation; that the three first named shall hold their office until the second Friday in July, one thousand nine hundred and seventeen; that the second three named shall hold their office until the second Friday in July, one thousand nine hundred and nineteen; and the last three named until the second Friday in July, one thousand nine hundred and twenty-one. Upon the termination of said dates the vacancies occurring by reason of the expiration of the terms of office of the trustees aforesaid shall be filled by the said board of trustees at a meeting for that purpose, the said terms of office being for six years.

Appointment of trustees.

Terms of office.

Election and term of successors.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 27th day of February, A. D. 1917.

WHITEVILLE

1945—CHAPTER 648

AN ACT TO CREATE AND ESTABLISH THE WHITEVILLE ADMINISTRATIVE UNIT AND TO PROVIDE FOR THE ADMINISTRATION AND CONTROL THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. That the Whiteville District as has heretofore been defined and established by the Board of Education of Columbus County and approved by the State School Commission is hereby declared to be an administrative unit within the contemplation of the Acts of the General Assembly of North Carolina, and the operation of the public schools within said district shall be vested in a board of trustees as provided for city administrative units.

Creating Whiteville Administrative Unit.

[SEC. 2. That the boundaries of said administrative unit shall remain the same as it is now constituted, but it may be changed from time to time by the recommendation of the Columbus County Board of Education and the Board of Trustees of the Whiteville Administrative Unit herein established with the approval of the State Board of Education.]

Boundaries.
Amended,
S.L. 1947,
ch. 681, § 1

[SEC. 3. That the Board of Trustees of the Whiteville Administrative Unit shall be composed of five members. One member from the New Hope section of the unit, one member from the Western Prong section of the unit, and three members from the Whiteville section of the unit; and in addition to the board of trustees, the New Hope section of the unit shall have a local committee consisting of three members, one of whom shall be the member of the board of trustees of the administrative unit. The other two members shall be appointed by the board of trustees.]

Board of Trustees of 5 members.
Superseded,
S.L. 1961,
ch. 1024, § 2

Powers and rights of Board.

SEC. 4. That the said Board of Trustees of the Whiteville Administrative Unit is hereby vested with all the authority, rights, powers and duties which are now or may hereafter be granted to city administrative units under the General School Laws of North Carolina.

Initial Trustees.

Superseded, S.L. 1961, ch. 1024

[SEC. 5. That the said board of trustees shall be elected as hereinafter set out in this section. Until the election of the trustees, the following shall serve as trustees of said unit:

(1) Mrs. John Elbert Thompson;
(2) D. E. Baggett;
(3) Walter J. Butler;
(4) J. R. Marks;
(5) Paul Page.

Future election.

(a) At the next general primary and election five trustees shall be elected, two of whom shall serve for a period of two years, and three of whom shall serve for a period of four years or until their successors are elected and qualified, and thereafter the said board of trustees shall be elected biennially.

(b) There shall be a special registration of the residents of the Whiteville Administrative Unit to be held immediately prior to the next general primary as provided by law. All persons entitled by law to vote in the regular primary and election residing in the Whiteville Administrative Unit shall be entitled to register and vote in the precinct or precincts in said administrative unit, and a special book containing the names of all qualified voters shall be kept by the registrars and judges of election of the aforesaid precinct or precincts.

(c) The said board of trustees shall be elected as provided by law for the election of county officers.

(d) The said trustees shall have the qualifications prescribed by law for members of the Board of Columbus County, and there shall be no qualifications as to residence except that the trustee shall reside within the said administrative unit.]]

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. This Act shall be in full force and effect on or after the first day of July, one thousand nine hundred and forty-five.

Ratified this the 15th day of March, 1945.

1947—CHAPTER 681

AN ACT TO AMEND CHAPTER 648 OF THE SESSION LAWS OF 1945 RELATING TO THE WHITEVILLE ADMINISTRATIVE UNIT.

The General Assembly of North Carolina do enact:

SECTION 1. Section 2 of Chapter 648 of the Session Laws of 1945 is hereby rewritten to read as follows:

Ch. 648, Session Laws, 1945, amended.

Unless and until altered as hereafter provided, the boundaries of said district shall be as follows:

Sec. 2 rewritten; boundaries of Whiteville Administrative Unit.

Beginning at a point in the county line between Columbus and Bladen Counties, said point being about one mile eastwardly from Highway No. 410 and on the western boundary of the farm belonging to Arthur Collier, and runs thence a direct line in a southerly direction about 1.8 miles to the head of a branch at a point about one mile east of Highway No. 410 and one mile north of the road leading from Highway No. 410 to Wooten's Store; thence down the run of said branch to its junction with West Prong Creek; thence up West Prong Creek to its fork about 3/10 miles south on the road leading from Highway No. 701 to Highway No. 410; thence up the east fork of West Prong Creek to its head; thence a direct line in a southeasterly direction to the head of the west fork of Gray Branch; thence down the west fork of Gray Branch to its junction with the east fork of said branch; thence a direct line in a southerly direction to the intersection of a road with Highways Nos. 74 and 76, said road intersection being 2.1 miles eastwardly from the intersection of Peacock Road and Highway No. 74 and Highway No. 76; thence a direct line in a southwesterly direction to the head of the northeast fork of Cedar Branch; thence down Cedar Branch to the junction of the north and south forks of said branch; thence up the run of the south fork of Cedar Branch to its junction with File-Mile Branch; thence up Five-Mile Branch to its fork about 4/10 miles north of the road leading from Wards to Highway No. 701; thence a direct line in a southerly direction to the forks of Beaver Dam Swamp about 1-8/10 miles westwardly from Highway No. 701; thence down Beaver Dam Swamp to Highway No. 701; thence a direct line in an eastwardly direction to Highway No. 130 at Pleasant Plain Church; thence a direct line about North 30 degrees East to White Marsh; thence up White Marsh to Red Hill Swamp; thence up Red Hill Swamp to the Bladen County line; thence with the Bladen County line westward to the beginning. The same description is the one made by E. M. Eutsler, registered engineer on January 5th, 1946, and the correction as made by him on February 7th, 1947.

Said boundaries may be changed from time to time by the State Board of Education upon petition or recommendation of the Columbus County Board of Education and the Board of Trustees of the Whiteville Administrative Unit.

Procedure for change of boundaries.

Sec. 5, rewritten.
Superseded, S.L. 1961, ch. 1024

[SEC. 2. Rewrite Section 5 of Chapter 648 of the Session Laws of 1945 to read as follows:

Appointment and terms of trustees.
Vacancies filled.

Section 5. The members of said board of trustees shall be appointed by the General Assembly and said appointees except those appointed herein, shall hold office for a period of six (6) years. Any vacancy occuring in the membership of said board of trustees, whether by death, resignation, or otherwise, shall be filled by the State Board of Education. The following persons are hereby appointed members of said board of trustees, each to serve the term designated:

Particular persons appointed as trustees.

(1) A. L. Boss, two years;
(2) Alton Edwards, two years;
(3) J. C. Lennon, four years;
(4) W. W. Schulken, four years;
(5) W. C. Oliver, six years;
(6) Dr. W. E. Miller, six years;
(7) J. Herman Leder, six years.

Qualifications.

The said trustees shall have the qualifications prescribed by law for members of the Board of Education of Columbus County.]

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

1961—CHAPTER 131

AN ACT RELATING TO FILLING VACANCIES ON THE WHITEVILLE CITY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. Vacancies occurring on the Whiteville City Board of Education by reason of death, resignation, failure to qualify, expiration of term, or otherwise, shall be filled by the six precinct Democratic Executive Committeemen in the area embraced by the Whiteville administrative school unit, consisting of Western Prong, Whiteville No. 1, Whiteville No. 2, Whiteville No. 3, South Whiteville and North Lees precincts. In the event of a tie vote by the executive committeemen in selection of a person to fill such vacancy as herein provided, the chairman of the Columbus County Board of Education shall vote to break the tie. Any such vacancy not filled by the County executive committee under the authority herein contained within thirty days from the occurrence of such vacancy shall be filled by appointment by the State Board of Education.

Sec. 2. The last sentence of Section 2 of Chapter 717 of the Session Laws of 1953, as amended by Chapter 413 of the Session Laws of 1955, and as further amended by Chapter 192 of the Session Laws of 1957 and all other laws and clauses of laws, whether general or local, in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 29th day of March, 1961.

1961—CHAPTER 1024

AN ACT TO ESTABLISH AND PROVIDE FOR THE NOMINATION AND SELECTION OF THE MEMBERS OF THE WHITEVILLE CITY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of the City of Whiteville shall consist of [seven (7) members] and each member shall serve and hold office for a term of two years and shall be nominated and appointed as hereinafter set forth.

Amended,
S.L. 1967,
ch. 133

Sec. 2. At the next primary election to be held in the City of Whiteville for the nomination of city officials in the year of 1962, and every two years thereafter, there shall be nominated by each of the political parties in the City of Whiteville members of the Board of Education of the City of Whiteville from each of the districts described as follows:

District No. 1 shall consist of that portion of Western Prong Township which lies within the Whiteville Administrative School District, one member;

District No. 2 shall consist of Whiteville Precinct No. 1, two members;

District No. 3 shall consist of Whiteville Precinct No. 2, two members;]

District No. 4 shall consist of South Whiteville, one member; and

Amended,
S.L. 1961,
ch. 1225

District No. 5 shall consist of that portion of North Lees Precinct which lies within the Whiteville Administrative District, one member.

Sec. 3. Each district shall be entitled to the number of members specified in Section 2 of this Act on said Board of Education of the City of Whiteville, and in the event there are more than two candidates for any one of the seven (7) positions on the Board of Education of the City of Whiteville as herein above provided, the candidate receiving the highest number of votes shall be declared nominated; and if there is no candidate for each political party for any one of said positions, the executive committee of the political party which has no candidate shall, within thirty (30) days of the date of the primary election, nominate such candidate.

Sec. 4. The names of the persons so nominated, as provided in this Act, shall be duly certified by the Chairman of the County Board of Elections within ten (10) days after their nomination is declared by the said County Board of Elections to the Superintendent of Public Instruction of North Carolina, to be transmitted by him to the Chairman of the Committee on Education in the next General Assembly as provided by G. S. 115-19, and to be elected or appointed to membership on said board as therein provided.

Sec. 5. The nomination of the members from each district shall be participated in only by the qualified voters of such district. Any candidate for membership on said Board of Education must be a resident and a qualified voter in the district for which he stands as a candidate. It shall be the duty of the County Board of Elections of Columbus County to prepare and distribute the ballots for the candidates as herein provided and to conduct the primary for said nominations according to the general primary laws of the State.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1961.

1961—CHAPTER 1225

AN ACT TO AMEND HOUSE BILL NO. 1140, RATIFIED JUNE 17, 1961, RELATING TO NOMINATION AND SELECTION OF THE MEMBERS OF THE WHITEVILLE CITY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of House Bill No. 1140, ratified June 17, 1961, and to be codified as Chapter 1024 of the Session Laws of 1961, is hereby amended by striking out that portion defining District No. 3 which reads as follows: "District No. 3 shall consist of Whiteville Precinct No. 2, two members;", and inserting in lieu thereof the following: "District No. 3 shall consist of Whiteville Precinct No. 2 and Whiteville Precinct No. 3, two members;".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1961.

1967—CHAPTER 133

AN ACT INCREASING THE NUMBER OF MEMBERS AND APPOINTING THE MEMBERS OF THE BOARD OF EDUCATION OF THE WHITEVILLE CITY SCHOOL ADMINISTRATIVE UNIT.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of the Whiteville City School Administrative Unit shall consist of nine members.

Sec. 2. Dr. W. E. Baldwin, Lawrence Bowers, Ben H. Gilliam, Sankey Robinson, C. Bion Sears, E. L. White, Jr., Robert Wooten, J. B. Davis and Billy Hooks are hereby appointed members of the Board of Education of the Whiteville City School Administrative Unit.

Sec. 3. The above named members shall begin their terms of office on the first Monday in April, 1967, and the terms of office of the above named members shall continue for a term of two years thereafter and until their successors shall be duly appointed and qualified.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1967.

WILSON

1913—CHAPTER 41.

AN ACT TO CONSOLIDATE AND AMEND THE LAWS RELATING TO THE WILSON 'GRADED SCHOOL DISTRICT OF WILSON COUNTY.

The General Assembly of North Carolina do enact:

Territory.

Boundary.

SECTION 1. That the territory within the following limits shall be and constitute the Wilson Graded School District: Beginning at the bridge across Hominy Swamp on the road leading from the town of Wilson to Rountree's Bridge; thence north fifty-eight degrees west to a point on the Barefoot Mill Road, between the lands of the late L. D. Killette and the heirs of the late W. W. Winstead; thence north twenty degrees west to the lane on the lands of the late Mrs. Martha Winstead on the Raleigh Road; thence north eighteen degrees east to the line between the late Col. John W. Farmer's and the late J. J. Smith's lands; thence down the said swamp (Toisnot) to a point dividing the lands of the late Thomas J. Gardner and the late Mrs. Fannie Hines; thence south forty-five degrees west to the beginning.

Superseded,
S.L. 1971,
ch.522

Trustees named.

Terms of office.

Successors.

[SEC. 2. The following persons shall constitute the board of trustees of the Wilson Graded School District established by section one of this act: George Hackney, F. A. Woodard, C. E. Moore, W. P. Wootten, U. H. Cozart, John F. Bruton, and Jonas Oettinger. These persons shall serve for one, two, three, four, five, six, and seven years, in the order named, from the first day of July, one thousand nine hundred and thirteen. Their successors shall be elected for a term of seven years by the board of town commissioners of the town of Wilson at their regular

Trustees to elect on failure of town commissioners.

Town commissioners to be notified of vacancy.

meeting in the month of May. And if the board of commissioners of the town of Wilson shall fail at their regular meeting in May of any year to fill any vacancy occurring in the board of trustees, then the remaining members of said board of trustees shall fill such vacancy at their next regular meeting. It shall be the duty of the secretary of the board of trustees to notify in writing the board of commissioners of any vacancy occurring in the said board of trustees at least ten days prior to their regular meeting in the month of May.]

Trustees incorporated.

Corporate powers.

Trustees to conduct schools.

Teachers, text-books and courses of study.

School funds.

SEC. 3. The board of trustees named in section two of this act and their successors in office are hereby created a body corporate and politic, and the usual powers exercised by such corporate bodies are hereby conferred on the said board; and the trustees above named and their successors are required and empowered to conduct one or more public schools in said district for the children of each race who are entitled to public school privileges; and they shall have the further power to employ the necessary teachers; to select the text-books to be used in the schools of the district; to adopt the courses of study to be pursued in the schools; to control all the public school funds of the district, local, county, and State, and to exercise such other powers as may be necessary for the proper conduct of the schools.

Rules and regulations.

Organization.

SEC. 4. The board of trustees of the Wilson Graded School District and their successors in office may make from time to time necessary rules and regulations for the government and conduct of the schools. They shall elect one of their number chairman, and they shall elect a secretary and a treasurer, neither of whom need be members of the board of trustees; and they may elect such other officers as may be necessary to conduct the schools of the district in the most efficient manner possible, and impose upon their officers such duties and restrictions as will best carry out the purpose and intent of this act.

Power to erect schoolhouses and hold property.

Power to condemn land.

Procedure for condemnation.

Title to vest on payment or tender.

SEC. 5. The board of trustees of the Wilson Graded School District and their successors in office shall have the power to erect schoolhouses, the power to acquire and hold in trust school property and school equipment, as well as power to acquire and hold school sites and other land for school purposes; and whenever said board of trustees or their successors may be unable to purchase a suitable site or to acquire suitable land for school purposes at what they consider a fair valuation, they may, upon five days written notice to the owner of such land or site which they may desire for school purposes, apply to the Clerk of the Superior Court of Wilson County for the appointment of three appraisers, who shall proceed to lay off by metes and bounds so much land as in the judgment of the board may be necessary, and assess the value thereof. The appraisers shall make a written report of their proceedings in condemnation to the clerk of the Superior Court within ten days after their appointment, who shall enter the same upon the records of the court. If the report of the appraisers is confirmed by the clerk, and the board of trustees shall accept the price named in the report, as reasonable, they shall cause their treasurer to pay the owner or owners of such condemned land the price fixed by the appraisers, and upon such payment or offer of payment the title to such land shall vest in fee simple in the board of trustees of the Wilson Graded

Appeal.

Bond on appeal.

School District and their successors in office. If the owner or owners of land condemned under this section shall appeal to the Superior Court, they shall do so within thirty days from the date of confirmation by the clerk, upon giving bond to secure the board against such costs as may be incurred on account of the appeal from the decision of the appraisers not being prosecuted with success.

County commissioners to order election.

Notice of election.

Special tax to be voted on.

Polling place.

Election officers.

New registration.

Canvass of returns.

Declaration and record of result.

Ballots.

SEC. 6. That the board of county commissioners of the county of Wilson shall, upon the petition of a majority of the trustees of the Wilson Graded School District, submit to the qualified voters of said district, after thirty days notice, the question whether an annual special tax of not more than one-third of one per centum on each one hundred dollars valuation of property and one dollar on each taxable poll shall be levied and collected on the property and polls of said district for the support of its public schools. And for said election the county commissioners shall determine the place of holding it; they shall appoint a registrar and two poll-holders; they shall provide for a new registration of voters under the same registration rules as are prescribed for general elections; they shall canvass the returns of said election; they shall declare the result and enter the same on their minutes. At such special election those who favor the levy and collection of the special annual school tax herein provided for shall vote a written or printed ballot containing the words, "For School Tax," and those who are opposed, a written or printed ballot containing the words, "Against School Tax."

Tax to be levied.

Collection and settlement of tax.

Proviso: county commissioners to levy tax.

SEC. 7. That in the event a majority of the qualified voters of said district shall favor the levy and collection of the special tax, the same shall hereafter be levied and collected in the same manner as is now provided by law for the levy and collection of State and county taxes. The Sheriff of Wilson County shall collect and pay over the same to the treasurer of the Wilson Graded School District under the same liabilities as are now provided by law for the collection and accounting for of the county school taxes: *Provided*, that the county commissioners of Wilson County shall levy each year such annual tax on the property and polls of the school district as the trustees may direct, subject to the limitations of section six of this act.

Election on bond issue.

Amount.

Purpose.

Ballots.

SEC. 8. That the county commissioners of Wilson County are hereby required, upon the petition of a majority of the members of the board of trustees of the Wilson Graded School District, to submit to the qualified voters of the district, under the same regulations as are prescribed in section six of this act, the question of issuing the bonds of said district, not exceeding in amount the sum of thirty thousand dollars ($30,000), for the purpose of erecting and equipping additional public school buildings, for the purpose of paying the present indebtedness of the Wilson Graded School District, and for repairing and enlarging the buildings thereof; for acquiring grounds and sites for new school buildings, and for such other purposes as the board may determine. At said election those qualified voters who are in favor of the bond issue herein provided for shall vote a written or printed ballot containing the words, "For School Bonds"; those opposed shall vote a written or printed ballot containing the words, "Against School Bonds"; and in the event a majority of the qualified voters

Majority of qualified voters to authorize bond issue.
Amount of issue.
Maturity.
Interest.
Denominations.
Proceeds.
Interest and sinking fund.

at said election shall favor the issue of bonds, the board of trustees of the Wilson Graded School District are hereby authorized to issue the same not to exceed in amount thirty thousand dollars ($30,000), payable not more than thirty years after date of issue and bearing interest not exceeding five per cent per annum, interest being due and payable semiannually. And the said trustees are hereby empowered to issue said bonds in such denominations and payable at such time and place as shall be most advantageous to their sale. The proceeds arising from said issue and sale of bonds shall belong to and be a part of the public school funds of the said school district, to be kept and accounted for by the board of trustees and its officers as other public school funds. And for the purpose of paying the interest on the bonds herein authorized, and for the purpose of establishing a sinking fund for their payment at maturity, the trustees of the Wilson Graded School District shall devote such part as may be necessary of the annual special tax authorized in sections six and seven of this act.

Laws repealed.

SEC. 9. That chapter one hundred and ninety-two, Public Laws of one thousand eight hundred and eighty-three, as amended by chapter five hundred and nine of the Public Laws of one thousand eight hundred and ninety-one, and by chapter two hundred and fifty-nine of the Public Laws of one thousand eight hundred and ninety-nine, be and the same is hereby repealed upon the adoption by the qualified voters of the Wilson Graded School District of section six of this act.

Part of county school system.
Apportionment from general fund.

SEC. 10. The Wilson Graded School District created by this act shall be one of the school districts of Wilson County and the county board of education shall from time to time pay over to the treasurer of the district such moneys as may be due said district from the general county and State school fund.

SEC. 11. This act shall be in force from and after its ratification.

Ratified this the 11th day of February, A. D. 1913.

1959—CHAPTER 703

AN ACT FIXING THE COMPENSATION OF MEMBERS OF THE ELM CITY CITY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. The Chairman of the Elm City City Board of Education shall receive as compensation for his services the sum of one hundred fifty dollars ($150.00) per year, payable in equal monthly installments. Each of the other members of said City Board of Education shall receive as compensation for his services the sum of seventy-five dollars ($75.00) per year, payable in equal monthly installments.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 2nd day of June, 1959.

1967 CHAPTER 874

AN ACT TO PROVIDE FOR A REFERENDUM ON THE QUESTION OF WHETHER OR NOT THE MEMBERS OF THE BOARD OF EDUCATION OF THE ELM CITY SCHOOL DISTRICT SHALL BE ELECTED BY VOTE OF THE PEOPLE AND TO PROVIDE FOR AN ELECTION OF THE MEMBERS OF SAID BOARD OF EDUCATION IF SUCH METHOD IS APPROVED.

The General Assembly of North Carolina do enact:

Section 1. At the primary to be held in the year 1968 for the nomination of county officers, there shall be held at the same time a referendum or election on the question of whether or not the members of the Board of Education of the Elm City School District shall be elected by a vote of the people of said Elm City School District. The election or referendum shall be held at the same time of said primary election and shall be conducted by the election officials holding the primary election under the supervision and administration of the Wilson County Board of Elections. The question to be submitted to the electors of the Elm City School District shall be printed on a separate ballot and shall be voted upon by the electors of said school district regardless of party affiliation and without any reference to party affiliation being designated on said ballot. The question to be submitted to the electors of the Elm City School District shall be substantially as follows:

"FOR: Election of the members of the Board of Education of Elm City School District by vote of the electors residing in said school district.

"AGAINST: Election of the members of the Board of Education of Elm City School District by vote of the electors residing in said school district."

If a majority of the electors voting in said election shall vote in favor of the election of the members of the Board of Education of Elm City School District, then the Act hereinafter set forth in the Sections below shall become operative and shall be in full force and effect. If a majority of those voting shall be against the election of the members of said Board of Education, then this whole Act shall be null and void.

Sec. 2. At the general election to be held in 1968 for the election of county officers, there shall be elected in said general election three members of the Board of Education of the Elm City School District who shall hold office for a term of six years and until their successors are elected and qualified. The three members receiving the highest number of votes in descending order shall be declared to be elected as members of the Board of Education of said Elm City School District, and they shall take office on February 11, 1969. At the general election to be held in Wilson County for the election of county officers in the year 1970, there shall likewise be elected three members of the Board of Education of the Elm City School District, and the three members receiving the highest number of votes in descending order shall hold office for a term of six years and until their successors are elected and qualified. The three members so elected in 1970 shall take office on February 11, 1971. At the general election to be held for the election of county officers in Wilson County for the year 1972, there shall be elected three members to said Board of Education of the Elm City School District, and the three persons receiving the highest number of votes in descending order shall be declared to be elected as members of said Board of Education and shall hold office for terms of six years each or until their successors are elected and qualified. In all cases in the elections above set forth the candidates for election shall be a qualified voter of the Elm City School District and shall file notice of candidacy with the Wilson County Board of Elections at least 30 days prior to the date of said election and said notice shall be accompanied by a filing fee of five dollars ($5.00). The said notice shall give the name, age and residence of the candidate filing same. In all cases in said election of the said members of said Board of Education the name of the candidates shall be printed on a separate ballot, and there shall be no reference to party affiliation, and the election of the members of said Board of Education shall be nonpartisan. Thereafter, as the terms of office of said members of the Board of Education of the Elm City School District expire, their successors shall be elected in the appropriate election to the end that such successors so elected may take office on February 11th of the year following such election. In all cases all candidates for such membership shall be voted upon by the eligible electors residing and having their residence in the territory of the Elm City School District.

Sec. 3. In case of a vacancy on the Board of Education of the Elm City School District caused by death, resignation, change of residence, failure to qualify or for any other cause whatsoever, the vacancy shall be filled for the unexpired term by the remaining members of said Board of Education and said vacancy shall be filled within 30 days from the date the vacancy occurs. The said Board of Education shall exercise all the powers and duties authorized by Chapter 115 of the General Statutes, as amended, which pertain to and are conferred upon city boards of education.

Sec. 4. The provisions of Sections 2 and 3 of this Act shall not become operative or have any force and effect unless a majority of the electors of the Elm City School District voting in the referendum provided in Section 1 of this Act shall approve the election of the members of the Elm City School District as set forth in Section 1 of this Act, and if such election is not approved, then this complete Act shall be void and of no effect.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

1971 - CHAPTER 522

AN ACT TO PROVIDE FOR THE NOMINATION AND ELECTION OF THE WILSON CITY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. The Wilson City Board of Education shall consist of seven members. The terms of office of the present members of said board of education shall expire upon the ratification of this act. Mrs. Edward B. Jordan and Eugene C. Neeland are hereby appointed members of said board of education to serve until their successors shall be elected in 1972, as provided for in this act. Mrs. D. Stuart Walston and Mrs. William B. Young are hereby appointed members of said board to serve until their successors shall be elected in 1974, as provided for in this act. W. Thomas Boswell, James V. Cobb, Jr., and Frank E. Emory are hereby appointed members of said board of education to serve until their successors are elected in 1976, as provided for in this act.

Sec. 2. On the same day as the Statewide primary to be held in the year 1972, and biennially thereafter, the Wilson County Board of Elections shall conduct a nonpartisan election throughout the Wilson City Administrative School Unit for the election of members of the Wilson City Board of Education whose terms next expire. The successors to Mrs. Edward B. Jordan and Eugene C. Neeland appointed in Section 1 of this act shall be elected for terms of six years each. Beginning in the year 1974 all members of this board shall be elected for terms of four years each. In case of a vacancy caused by death, resignation, failure to qualify or for any other cause, the said vacancy shall be filled by appointment of the remaining members of said board until the next regular nonpartisan election of the members of said board of education.

Sec. 3. The members of said board of education appointed by this act and their successors shall qualify by taking the oath of office on or before the second Monday in June next succeeding their election.

Sec. 4. From and after July 1, 1971, the Chairman of the Wilson City Board of Education shall receive as compensation for his services the sum of six hundred dollars ($600.00) per year, payable in equal monthly installments. From and after said date, each of the other members of said board of education shall receive as compensation for his services the sum of three hundred dollars ($300.00) per year, payable in equal monthly installments.

Sec. 5. This act shall in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of June, 1971.

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